

# Barinder Kaur vs Central Bureau Of Investigation on 20 January, 2023

**Author: Jasmeet Singh**

**Bench: Jasmeet Singh**

\$~1

\*

+

IN THE HIGH COURT OF DELHI AT NEW DELHI  
BAIL APPLN. 2661/2022 & CRL.M.A. 17745/2022  
BARINDER KAUR

Through:

..... P  
Mr Vikram Chaudhri, Sr.  
Mr Rishi Sehgal, Ms Pra  
Swani and Ms Arveen Sek

versus

CENTRAL BUREAU OF INVESTIGATION ..... Respondent  
Through: Mr Ripu Daman Bhardwaj, SPP for  
CBI

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH  
ORDER

% 20.01.2023

1. This is an application seeking grant of bail to the applicant in FIR No. RCBD1/2014/E/0004 dated 19.02.2014, under Sections 420 & 120-B IPC, registered at PS - CBI/BS & FC, New Delhi. The FIR is with regard to misappropriation of funds by M/s. PACL India and M/s. PGF Ltd. to the tune of Rs. 60,000 crores.

2. In the present case, the FIR was filed in the year 2014, the charge- sheet was filed on 07.04.2016 and the applicant was not arrayed as an accused either in the FIR or in the charge-sheet. The applicant has joined the investigation. The applicant was only arrayed as an accused in the supplementary charge-sheet filed on 31.12.2021.

3. It is stated by Mr Chaudhri, learned senior counsel appearing for the applicant that the applicant was first time arrested on 06.07.2021 by the Punjab Police and was granted bail vide order dated 11.07.2022 by the High Court of Punjab & Haryana at Chandigarh. He further states that there is no formal arrest of the applicant by the CBI and charge-sheet was filed by the CBI without arresting the applicant. He, however, states that the applicant moved an application before the CBI Court for grant of bail which was rejected on 27.08.2022. Pursuant to the production warrants issued by the CBI Court, the applicant appeared before the CBI Court on 29.04.2022 and has been in continuous custody.

4. Mr Bhardwaj, learned SPP for CBI vehemently opposes the bail application and states that in the present case, the applicant is a direct beneficiary of the misappropriated funds to the tune of Rs. 631 crores. The said funds were diverted by the Indian Company to M/s Pearl Australasia Mirage -1 Pty Ltd and in M/s Pearl Australasia Pvt Ltd. and of both the companies, the applicant is a Director.

5. I have heard learned counsel for the parties.

6. In the present case, the order passed by a Coordinate Bench of this Court in six bail applications being Bail Appln. 716/2022 & connected matters dated 13.06.2022, while granting bail observed:

"12 ....

a. The applicants herein, and the companies of which they were in management, are not accused of inducing investors to participate in the CIS established by PACL/PGF and their officers. The roles of the present applicants, as brought out in the charge sheets, come in at a later stage, and are related to the routing of the funds collected by PGF/PACL.

....."

7. The case of the applicant is also somewhat similar. The applicant is not a Director or in the management of PACL or PGF which induced the investors to participate in the CIS. The role of the applicant is alleged that funds were diverted to the Australian companies of which the applicant was a beneficiary. The applicant was not named in the original FIR or in the original charge-sheet. The applicant has been in continuous incarceration since 06.07.2021 and in the present case since 29.04.2022. The applicant is a lady and has two minor children going to the school. In addition, the applicant has also joined the investigation.

8. For the aforesaid reasons, the application is allowed and the applicant is directed to be released on bail FIR No. RCB1/2014/E/0004 dated 19.02.2014, under Sections 420 & 120-B IPC, registered at PS - CBI/BS & FC, New Delhi. subject to the following terms and conditions:

(a) The applicant shall furnish a personal bond in the sum of Rs. 5,00,000/-

(Rupees Five Lakhs only) with 01 surety in the like amount, to the satisfaction of the Jail Superintendent;

(b) The passport of the applicant is stated to be deposited with Punjab Police. The applicant shall not leave the country without permission of this Court;

(c) The applicant shall furnish to the IO/SHO concerned her cellphone number on which the applicant may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;

(d) The applicant shall not indulge in any act or omission that is unlawful or that would prejudice the proceedings in pending cases, if any;

(e) The applicant shall appear before the Court as and when directed; and

(f) The applicant or her family members/relatives/friends shall not tamper with any of the witnesses and evidence of this case in any way.

9. Pursuant to the last order, the affidavit of Prem Kaur (the Pairokar) is filed which is taken on record.

10. The application is disposed of accordingly.

JASMEET SINGH, J JANUARY 20, 2023 sr [Click here to check corrigendum](#), if any