

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-19723 of 2015 (O&M)
Date of Decision: 07.07.2015

Kuldeep Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE R.P. NAGRATH

1. *Whether Reporters of the local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

Present: Mr. A.P. Kaushal,, Advocate
for the petitioner.

Mr. Gazi Mohd., AAG, Punjab
for the State.

R.P. Nagrath, J.

Mr. Dhruv Dahiya, Assistant Superintendent of Police is present in person in deference to the direction dated 03.07.2015 and has filed his affidavit.

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.58 dated 20.03.2015 under Section 406, 420 IPC, Police Station Dasuya, District Hoshiarpur.

The facts of the case are that about two years before making complaint dated 17.01.2015 to the police, petitioner and her

co-accused approached complainant Avtar Singh son of Mangal and Narinder Singh son of Ajit Singh, members of the Gram Panchayat and Virsa Singh son of Waryam Singh with a scheme that on entrustment of one tola of gold for three months, they would get ₹ 5,000/-. Believing them, the complainant gave 21 ½ tola gold, Narinder Singh 7 ½ tola gold and Virsa Singh 29 tola gold to the petitioner. The accused persons also handed over an undertaking to the complainant party at the time of entrustment of gold. Copy of the said undertaking was attached with the complaint given to the police. Despite the expiry of the period of two years, neither any amount was given to the aggrieved persons nor the gold was returned.

Learned counsel for the petitioner vehemently contended that this FIR is politically motivated. It was also contended that there is no role of petitioner and further that there was huge delay in lodging the FIR. Learned counsel further contended that as per the prosecution story itself, gold has since been recovered from Pamma Jewellers and no useful purpose is going to be served by arresting the petitioner. It is further contended that the petitioner is BPL card holder.

I have heard learned counsel for the petitioner and learned State counsel at considerable length.

In view of the facts of the case, particularly the fact that parties belong to the same village, the delay in lodging FIR would not be very relevant at this stage. There is specific allegation against the petitioner that the gold has been handed over to her. The

other accused persons are Tarsem Singh son of Babu Ram, Surjit Singh @ Ladi son of Tarsem Singh (Member Panchayat), Shanti Devi wife of Tarsem Singh (Ex-sarpanch) and Surinder Singh son of Tarsem Singh etc.

Learned State counsel on instructions from ASI Raghubir Singh submits that the matter was enquired on the complaint dated 17.01.2015 and only then the FIR was registered on 20.03.2015.

The version contained in the FIR was that as per information of complainant Surjit Singh son of Tarsem Singh a co-accused pledged the gold with one Pamma Jewellers @ ₹ 20,000/- per tola. When the witnesses went to the said jeweller in this regard he told the complainant party to bring his receipt and take away the gold. Learned State counsel on instructions from ASI Raghubir Singh also submitted that some gold has since been recovered from the said jewellers and still some gold has to be recovered. It is further submitted that there are about 36 persons aggrieved by the act of accused persons of misappropriation and cheating.

As per the affidavit filed by learned State counsel, there are four other FIRs registered against the petitioner. These are FIR No.74 dated 20.04.2013, FIR No.86 dated 02.05.2013, FIR No.165 dated 07.11.2014 and FIR No.4 dated 06.01.2015 , all of the similar nature by different complainants.

During the investigation, even Shanti Devi and Guran Dass husband of petitioner were arrested and are on regular bail.

In view of the aforesaid scenario which makes the

allegations very serious and a case of a big fraud, no ground is made out to grant pre-arrest bail to the petitioner.

Dismissed.

07.07.2015
sk

(R.P. Nagrath)
Judge