

Sr. No.104

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No.M-18489 of 2016 (O&M)

Date of Decision: 27.05.2016

Ranjit Kaur @ Ritu Sharma

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. S.S.Majithia, Advocate,
for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

The present petition has been filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in case FIR No.81 dated 17.03.2015, under Sections 420, 406, 120-B of Indian Penal Code, registered at Police Station City Tarn Taran, District Tarn Taran.

Briefly noticed, FIR came to be registered on the complaint of Sukhpal Singh son of Anoop Singh against Kamalpreet Singh Randhawa and his wife Rajinder Kaur and other accused including the present petitioner. Allegations are that Kamalpreet Singh Randhawa was running a travel agency under the name and style of Royal Agency. Complainant asserted that he along with a group of almost 80-90 people were interested in settling abroad and on the pretext of obtaining a work permit visa, a deal was struck at Rs. 3 lac per person. Further accusation is that the entire amount was paid by the complainant.

Even though in the allegations there was no specific entrustment of money to the present petitioner but her role was that of being

an employee in the travel agency run by Kamalpreet Singh Randhawa.

During the course of arguments today, it has gone uncontroverted that petitioner had preferred an application under Section 438 Cr.P.C. and vide order dated 06.05.2015 passed by the learned Additional Sessions Judge, Tarn Taran ad interim protection of arrest was granted subject to her joining investigation.

Placed on record is a subsequent order dated 03.07.2015 passed by the Court which reads in the following terms:-

“Case called number of times since morning but no one has appeared on behalf of applicant. It is 3.35 p.m. As such, case is dismissed in default. File be consigned to record room.”

Counsel appearing for the petitioner would contend that the petitioner is innocent. In pursuance of the ad interim protection having been granted an attempt was made to join investigation but she was threatened and money was demanded by the police officials.

It has also been averrrred in the petition that out of fear of the police and the complainants, the petitioner preferred to go out of station and remained away till **“things calm down”**.

On a specific query having been put to counsel, it has been conceded that the petitioner chose not to avail of the remedy of filing an application before the Area Magistrate as regards not being made to join investigation in spite of ad interim protection having been granted by the competent Court.

It has also been conceded that main accused Kamalpreet Singh Randhawa is on the run and has been declared a proclaimed offender.

The petitioner has now after a period of 10-11 months chosen to approach this Court seeking concession of pre-arrest bail.

In the light of the conduct of the petitioner, this Court is not inclined to grant her such concession.

Petition is dismissed.

27.05.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE