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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision: September 28, 2016
CRM-M-21625 of 2016 (O&M)

Silki @ Sukhjit Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CRM-M-25710 of 2016

Pushpinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Parminder Singh, Advocate for
Mr. K.S. Sandhu, Advocate
for the petitioner (in CRM-M-21625 of 2016).

Mr. Navjot Singh, Advocate
for the petitioner (in CRM-M-25710 of 2016).

Mr. K.S. Nalwa, Addl. AG Punjab.

Mr. A.S. Cheema, Advocate
for the complainant.

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A.B. CHAUDHARI, J (Oral)

By this order, both the abovesaid petitions are being disposed of.

In FIR No.34 dated 17.02.2016, under Sections 408, 420 of Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Division No.8, District Jalandhar, the petitioners in both the petitions seek grant of anticipatory bail.

This Court had directed both the petitioners to join the investigation and accordingly, respective learned counsel for the petitioners make a statement that the petitioners have joined investigation and therefore, they should be released on anticipatory bail.

In support of these petitions, learned counsel for the petitioner in CRM-M-21625 of 2016 have submitted that the petitioner-Silki @ Sukhjit Kaur was only a purchase assistant and did not have any power to purchase or store the goods or raw-material and there were superior officers who were in-charge of the handling of purchase and storage of raw-material. Petitioner-Silki @ Sukhjit Kaur was, therefore, not at all directly or indirectly concerned and was merely working as a purchase assistant with hardly any responsibility in the matter of purchase or as the case may be. The counsel, then submitted that the petitioner-Silki @ Sukhjit Kaur is a woman who had joined the investigation as per the order made by this Court and has fully cooperated with the police. Therefore, there is no need for her police custody. The counsel then contended that because of the criminal act of the owner of the firm/company, namely Shital Fibers, the FIR in question was lodged with the police station for offences under Sections 28, 354, 376(n), 34, 120-B IPC by the petitioner-Silki @ Sukhjit Kaur but the owners being the influential persons, no action was taken against them. The counsel then contended that the money found in the account of the petitioner-Silki @ Sukhjit Kaur as alleged by the prosecution was not much to even suspect about any funds as alleged by the prosecution to her accounts. The counsel then contended that instead of lodging the FIR against the superior officers to the petitioner, the same was lodged against the petitioner-Silki @ Sukhjit Kaur. The counsel for the petitioner, therefore, prayed for grant of anticipatory bail to the petitioner-Silki @ Sukhjit Kaur.

Learned counsel for the petitioner in CRM-M-25710 of 2016 contended that the petitioner-Pushpinder Singh was merely working as a Dyeing Manager in the company had also left the job of the company, but the owner of the company in order to teach a lesson to him for resigning from the service, filed the FIR in question against him giving false information to the police as the owner was in the habit of involving the employees in false cases whenever they used to resign from the company. According to learned counsel for the petitioner-Pushpinder Singh, the petitioner is also doing the business of property dealer and the money found in his account are from his business as a property dealer which is being done along with his wife. Therefore, the alleged evidence collected by the prosecution about the money in the accounts of the petitioner has no relevant to the FIR in question. The counsel for the petitioner, therefore, prayed for grant of anticipatory bail to the petitioner-Pushpinder Singh.

Per contra, learned State counsel vehemently opposed the petitions and invited my attention to the reply filed by Balwinder Iqbal Singh Kahlo, PPS, Assistant Commissioner of Police (North), District

Jalandhar and submitted that by now, prosecution has collected voluminous evidence against both the petitioners by making all efforts to collect the evidences from the Banks and are in possession of evidences which clearly show both the petitioners have deposited huge amounts by making fraud with the company and none of them have been able to explain as to how abruptly crores of rupees have been found in their Bank accounts. Learned State counsel has shown the entire police papers and the extract of Bank accounts collected by them. Learned State counsel also made a grievance that taking the advantage of the *ad interim* order dated 28.07.2016 made by this Court in respect of petitioner-Pushpinder Singh, he did not at all cooperate with the Investigating Officer and suppressed Bank accounts from police. They do not deserve to be continued on anticipatory bail. He, therefore, prayed for dismissal of both these petitions.

I have heard learned counsel for rival parties at length and perused the entire case diary. I have also perused the reply filed by Balwinder Iqbal Singh Kahlon, PPS, Assistant Commissioner of Police (North), District Jalandhar.

Instead of repeating the nature of evidence collected, it would be suffice to quote the Paragraphs-4 and 5 from the reply filed by the prosecution which I quote hereunder:-

> "4. That it is respectfully submitted that during the course of investigation, the statements of the witnesses namely Piara Singh, Karan Malhotra who was proprietor of M/s Shanti Box and Printing, Sh. Anuj of M/s Nikom

Chemicals, Shug Mehra, Proprietor of M/s Shug Regal Polycam, Utkarsh Seth, Supervisor M/s Shital Fibres and Ravinder Sharma, Accountant were recorded u/s 161 Cr. P.C. It is pertinent to mention here that all the witnesses deposed against the accused persons and accordingly, in order to secure the presence, the notice u/s 41A Cr. P.C. was given to the petitioner on 18.05.2016 which was duly received by her mother Kulwinder Kaur. Thereafter, since she did not join the investigation, another notice was sent to her on 22.05.2016 but her house was found locked. Besides the same, the notice u/s 41A Cr. P.C. was also issued to accused Pushpinder Singh on 29.05.2016 which was received by his wife namely Navjot Kaur.

5. That it is respectfully submitted that inspite of the notices, the accused failed to appear and accordingly, while the petitioner was being sought to be arrested, she applied for the anticipatory bail before this Hon'ble Court by filing the present petition. The interim protection was granted to the petitioner on 13.07.2016 and on the strength of the same, she appeared before the investigating officer on 16.07.2016. It is pertinent to mention here that the petitioner had been directed to join the investigation at 10 a.m., however, she came 1-1/2 hour late. During her interrogation, she did not cooperate in the investigation and has been giving evasive and wrong replies and concealed the facts such as she has got recorded that she only has one bank account i.e. SBI Ludhiana whereas as per the investigation it has come forward that she has two bank accounts with United Bank of India, Jalandhar wherein the transaction of Rs.13.00 lacs is detected. And there was transaction of more than Rs. Two crores in the three bank accounts of co-accused Pushpinder Singh and

> there was inter sea transactions between them in their accounts. Moreover during the questioning, she was giving answers after consulting with her counsels. Since she did not cooperate and as such the investigation could not proceed further and progress is stalled."

The statements of Bank accounts shown to me by the Investigating Officer clearly show that huge amounts have been transacted in their Bank accounts and that too in crores of rupees and there is, whatsoever, no explanation for the huge amounts except bald statements of the petitioners about their other business without any supportive evidence. It is strange that the employees like purchase assistant and dyeing manager have suddenly, in the year 2011 onwards in their accounts, huge amounts in crores of rupees so also cash around One crore. The faint attempt made by the petitioner-Pushpinder Singh to show that he had a property business is without any substance since there is no supporting material in that behalf and therefore, I am satisfied that both the petitioners have indulged in the offence of fraud. As stated by the learned State counsel, they were not only dealing in the matter of purchase for the company but were receiving the half of the goods even upon the payment of the full price thereof and the price for the half of the goods used to be misappropriated by them beside obtaining commission. There is thus, prima-facie case against the petitioners who have duped the owners of the company.

The fraud having been unearthed, Silki @ Sukhjit Kaur filed a report about rape with the police station and the same was found to be false ad bogus and accordingly, cancellation report was filed by the police. Thus, she abused the criminal law and misused the liberty. In so far as Pushpinder Singh is concerned, his conduct, after the grant of *ad interim* bail order is stated in Paragraphs-7 to 9 which I quote hereunder:-

> "7. That it is respectfully submitted that after obtaining the permission, the police party went to Panipat in the private car belonging to Sub Inspector Ramandeep Singh bearing registration No.PB-13-AR-2400. As per his mobile location, it came forward that the accused Pushpinder Singh would be present at red light chowk, Panipat. At about 3 p.m., the accused Pushpinder Singh came along with the petitioner in his Ritz car and the police party who were in their uniforms signaled them to stop. Rather then stopping the car, Pushpinder Singh tried to run over the police party and managed to escape. In this regard, the DDR No.36 dated 23.07.2016 was got recorded at Police Station City Panipat. xxxxx.
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> 8. That it is respectfully submitted that the petitioner Skhjit Kaur alias Silky, in furtherance of her nefarious designs and to create a defence in favour of herself as well as Pushpinder Singh got registered the case/FIR No.956 dated 24.07.2016 u/s 341/506 IPC at Police Station City Panipat against Shital Vij, Abhishek Vij and Sunil Sharma citing the episode dated 23.07.2016 and by giving the registration fo the case belonging to SI Ramandeep Singh. xxxxx.
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> 9. That it is respectfully submitted that upon coming to know about the registration of the case/FIR No.956 (supra), the Commissioner of Police, Jalandhar

> communicated with the DSP, Panipat, explaining the circumstances under which the case/FIR No.956 (supra) was registered and further requesting that the case/FIR No.956 (supra) be cancelled and the case be registered against Pushpinder Singh and Silky for trying to run over the police party and for creating hindrance in the discharge of their official duty. xxxxxx.
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> Accordingly, the case/FIR No.987 dated 30.07.2016 u/s 186/332/34/353/506 IPC was registered at Police Station Panipat City against Pushpinder Singh and Surjit Kaur alias Silky (petitioner) with the allegations that the accused had tried to run him as well as the police party over with his car and had also caused hindrance in the discharge of their official duty. xxxxx."

The above reply is sought to be countered and therefore, there is counter filed by the petitioner-Pushpinder Singh. However, the same does not at all hold water. Both the petitioners do not deserve any relief of grant of anticipatory bail.

Hence, both these petitions for grant of anticipatory bail to the petitioners are dismissed. The interim order dated 28.07.2016 made by this Court in respect of petitioner-Pushpinder Singh granting *ad interim* anticipatory bail is vacated.

(A.B. CHAUDHARI)
JUDGE

September 28, 2016
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No