IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-29705 of 2017 (O&M)
DATE OF DECISION :- November 22, 2017

Kiran Devi ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Pulkit Goyal, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

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This application for pre arrest bail has been filed by Kiran Devi an accused in FIR No. 146 dated 3.6.2017 for offences under Sections 420, 120B IPC registered with police station Tripuri, Patiala.

Briefly stated facts of the case as per prosecution version are that F.I.R. in this case was recorded at the instance of complainant Gurbakhshish Singh son of Sh. Sukhwinder Singh resident of Rasulpur, District Patiala, wherein he contended that he had come in contact with Rohit Sharma, who informed him that he was acquainted with a person namely Sunil, who had been arranging migration of people to England (UK). Thereafter, said Sunil talked him on telephone asking giving of Rs.50,000/- in advance besides his Passport for the purpose of arranging Visa for him and remaining amount was to be taken thereafter. It happened in November, 2016. Ini first week of December, 2016 Amandeep resident of Ludhiana came to him stating that he had been sent by Sunil and according to complainant he gave Rs.50,000/- and Passport to him. On 6.12.2016 he received a telephone call from Sunil stating that his work had been done and he should arrange money. The complainant stated that due to demonitization cash amount was not available then Sunil stated that he is sending account numbers and the amount be deposited in said accounts, accordingly Sunil sent five account numbers belonging to Kiran Devi, Amandeep, Amritpal Singh and Priya Arora through SMS on mobile and told me to transfer the money in the accounts through RTGS. He accordingly deposited Rs.30,000/- in the account of Priya Arora through RTGS. On 19.12.2016 Sunil told to him that Visa had been arranged and remaining amount be deposited in the accounts. On 20.12.2016 photo of Visa was sent to him and he deposited amount of Rs.50,000/- each in accounts of Kiran Devi, Amandeep, Amritpal Singh and Priya Arora through RTGS upto 31.12.2016. Then he transferred another sum of Rs.2 lacs in account of Kiran Devi on 30.12.2016. Total Amount so given by him was Rs.5,80,000/- but subsequently Sunil stopped having any communication with him. According to the complainant Sunil, Rohit, Kiran Devi, Priya Arora and Amrit Pal Singh in connivance with each other had defraud him Rs.5,80,000/- on the pretext of sending him to abroad but not done so. After necessary formalities formal F.I.R. was registered. Apprehend her arrest in this case the accused had approached the Court of Sessions for grant of pre arrest bail but her such request was declined by Additional Sessions Judge, Patiala vide order dated 3.8.2017, as such she has approached this Court seeking similar relief. Notice of the petition in hand was given to the State.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record. The petitioner is specifically named in the F.I.R. As the prosecution story goes an amount of Rs.5,80,000/- was deposited in her account by the complainant at the instance of Sunil the kingpin of the racket. According to the complainant neither his migration to UK was got done nor the amount was returned. The very fact that the petitioner allowed amount of

Rs.5,80,000/- to be deposited in her account goes to show that she has been hand in glove with the main accused namely Sunil. Now she cannot come up with a plea that she is a old and illiterate woman and was not aware of the transactions in her bank account. Her involvement in the scam comes out to be there. Though she had been granted interim bail in this case with a direction to join the investigation but as informed by the investigating officer, she has not fully cooperated therein and has not got the amount recovered.

In case of ***State represented by the C.B.I. Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268***. Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful informations.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation effecting the investigation being carried out adversely which is not called for.

Finding no merit, the petition stands dismissed.

(H.S. MADAAN)
JUDGE

November 22, 2017
p.singh

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No