

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM M-10637 of 2018

Date of decision : 21.03.2018

Davinderjit Kaur

...Petitioner

V/s

State of Punjab & ors.

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. RKS Brar, Advocate for the petitioner.

Mr. A.A. Pathak, Additional A.G. Punjab.

RAJAN GUPTA J.

Petitioner seeks concession of pre-arrest bail in a case registered against her under sections 406/420 IPC vide FIR No. 129 dated 06.08.2017 at police station Dasuya, district Hoshiarpur. It has been urged before the court that petitioner has been falsely implicated in the case. There is no evidence on record to connect the petitioner with the commission of crime. She, thus, deserves the concession of bail. The prayer has, however, been opposed by learned State counsel. He submits that allegations against the petitioner are serious. Her custodial interrogation is required for taking the investigation to its logical end.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

FIR was lodged on the statement of Sukhvinder Singh. He stated that there was a holy place of 'Peer Baba Ahmad Shah Sarbar Peer, in his house. Accused Gurdial Singh alongwith his wife Davinder Kaur

of 'Baba Peer'. They disclosed to his mother that they were doing the business of travel agent and if any person was interested to go abroad can approach them. Complainant expressed his desire to go to Canada and approached them. After negotiation, deal was settled for a sum of ₹13.00 lacs. In the month of March, complainant handed over a sum of ₹5.00 lacs to petitioner and his husband Gurdial Singh in the presence of Malkiat Singh, Harjit Singh and Palwinder Singh. Remaining amount of ₹8.00 lacs have been deposited in the account No. ES380081 521470006139023 of HDFC Bank. However, petitioner neither adhered to her promise nor returned the amount. A complaint was thus made in this regard to the police. An FIR was registered and investigation ensued. Investigating agency came to the conclusion that petitioner was guilty of offence under sections 406/420 IPC. It appears that petitioner alongwith Gurdial Singh allured the complainant with the promise of sending him abroad and extracted huge amount of money from him. Later on complainant came to know that he had been duped by the accused including petitioner. Due to fraud played, complainant parted with ₹13.00 lacs.

Considering the nature of allegations and the fact that petitioner had duped the complainant of a huge amount, petitioner is not entitled to concession of pre-arrest bail. Her custodial interrogation may be necessary to take the investigation to its logical end. Petition is, thus, without any merit and is hereby dismissed.

March 21, 2018

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No