

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

CRM-M-10669-2018

Date of decision:-3.4.2018

Baljinder Kaur

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.J.S. Thind, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Baljinder Kaur, an accused in FIR No.80 dated 23.3.2017, under Sections 420/406/506/120-B IPC, registered at Police Station Nissing, Karnal.

Briefly stated, the facts of the case as per prosecution story are that complainant Sona Devi widow of Prithvi Singh, resident of village Shimla Molana, District Panipat had submitted a written complaint addressed to SHO, Police Station Nissing seeking taking of legal action against Daljit Kaur widow of Harjinder Singh, Pardeep Singh son of Harjinder Singh, Baljinder Kaur daughter of Harjinder Singh, Mandeep Singh son of Harjinder Singh, residents of Peont Sub Tehsil Nissing, District Karnal, Hukam Singh son of Saroop, Ishtaak, Sindhu and Balbir

Singh son of Paat Ram alleging that all such persons in connivance with each other had cheated the complainant by preparing a forged and fabricated agreement to sell usurping a sum of Rs.23,50,000/-, however, sale deed was not executed; when the complainant made inquiries, she came to know that loan was outstanding with regard to the land, which was agreed to be sold to complainant and accused Nos.1 to 3 were not the owners of land measuring 11 Kanals 17 Marlas; the complainant and her son approached Panchayat requesting the accused to return their money but in vain, rather accused in connivance with each other forged an agreement in favour of accused No.8 so as to cause prejudice to the rights of complainant and her son. Formal FIR was registered. The case was investigated.

Apprehending her arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, her such request was declined by learned Additional Sessions Judge, Karnal vide order dated 23.2.2018. As such, the petitioner has approached this Court asking for similar relief.

Notice of the petition was given to respondent – State, which put in appearance through counsel.

I have heard learned counsel for the parties besides going through the records.

There are specific allegations that petitioner along with her co-accused had entered into a conspiracy and cheated the complainant of substantial amount of Rs.23,50,000/-.

Custodial interrogation of the petitioner is definitely required

for complete and effective investigation to know as to under what circumstances the conspiracy was entered into. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for. Pre arrest bail is a discretionary relief, which is to be granted to save innocent persons from harassment and not to help the criminals.

Thus finding no merit in the petition, the same stands dismissed.

3.4.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No