

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12392-2018

Date of Decision: 25.07.2018

Ranjit Kaur

...Petitioner

vs.

State of Punjab

..Respondent

CRM-M-20442-2018

Gurdeep Singh

...Petitioner

vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.S.Majithia, Advocate
for the petitioners.

Mr. M.S.Nagra, AAG, Punjab.

Mr. S.S.Brar, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J.

On 05.04.2018, the following order was passed:-

“Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.224 dated 20.11.2017 registered under Sections 406 and 420 IPC at Police Station Sultanwind, District Police Commissionerate, Amritsar.

After hearing counsel for the parties and on perusal of the FIR and the documents available on record, it is apparent that the petitioner and the complainant were having long standing business dealings and the FIR has been registered on account of non-payment of supply of gold to the complainant.

On the face of it, the civil litigation has been given the colour of criminal litigation and the present petition has been filed with the allegation that the petitioner has not made the payment of the gold supplied by the complainant.

Counsel for the State, on instructions from ASI Sukhdev Singh, submits that the petitioner be directed to join the investigation.

List again on 25.07.2018.

In the meantime, the petitioner is directed to appear before the Investigating Officer on 20.04.2018 at 10:00 am or on any other date or time fixed by him to join investigation and she shall be released on interim bail on furnishing bail/surety bonds subject to the following conditions:-

- 1. She shall make herself available for interrogation by a police officer as and when required;*
- 2. She shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and*
- 3. She shall not leave India without previous permission of the Court.”*

Counsel for petitioner-Ranjit Kaur has argued that the primary allegations in the FIR are against the husband of the petitioner, namely, Gurdeep Singh, who had to travel a lot for his business and even on an earlier occasion, petitioner-Ranjit Kaur has lodged a complaint dated 27.09.2017 (Annexure P2) that her husband has gone missing. Counsel further submits that the allegations in the FIR that the complainant has handed over gold jewellery, weighing 1 kg and 44 grams approximately,

costing ₹21,99,850/-, without there being any surety or previous dealing with the complainant, on the basis of handing over two cheques without verifying the antecedents of the petitioner and her husband which raises a doubt about the version given by the complainant.

Counsel for petitioner-Ranjit Kaur further submits that there is no evidence like CCTV footage to show that the petitioner on the date of incident had accompanied her husband to premises of complainant and the allegations that the petitioner issued a cheque of ₹14,98,800/- along with her husband, who issued a cheque of ₹7,01,050/- in lieu of the articles given to the husband of the petitioner are yet to be proved as complainant has already filed a complaint under Section 138 of the Negotiable Instruments Act on account of dishonouring of the aforesaid cheques.

Learned counsel for petitioner-Gurdeep Singh, submits that in pursuance to the order dated 15.05.2018, which was passed by this Court, on the basis of interim relief granted to Ranjit Kaur (wife of petitioner-Gurdeep Singh), petitioner-Gurdeep Singh has also joined the investigation.

Learned State counsel, on instructions from Investigating Officer, and assisted by the learned counsel appearing for the complainant, has, however, opposed the prayer for bail. Learned State counsel has submitted that though the petitioner(s) has joined the investigation, however, the recovery is yet to be effected and they are not co-operating.

Learned counsel for the complainant has submitted that petitioner Gurdeep Singh has business dealings with the complainant and has cheated him and has misappropriated the gold articles given to him and his wife, in lieu of two cheques. He has further submitted that both the cheques have been dishonoured by the bank. The cheque issued by

petitioner Ranjit Kaur was returned with remarks “Insufficient funds” and the cheque issued by Gurdeep Singh was returned with remarks “Account closed”. Counsel for the complainant has further submitted that another FIR No. 96 dated 14.07.2018, under Sections 406 and 420 IPC, was also registered against petitioner Gurdeep Singh on account of similar allegation of cheating committed with one another business man, namely, Swarnjit Singh, of the same market and petitioner Gurdeep Singh is a habitual offender.

After hearing counsel for the parties, I find that the allegations of the complainant are primarily against petitioner Gurdeep Singh as it is also evident from the subsequent FIR No. 96 that complainant in this FIR has levelled allegations only against Gurdeep Singh with regard to similar incident of a cheating. Therefore, I find no reason to grant anticipatory bail to petitioner Gurdeep Singh as there are direct allegation against him. Even a subsequent FIR No. 96 has been registered against him with similar allegation.

The CRM-M-20442-2018, filed by petitioner-Gurdeep Singh, is dismissed.

However, considered the fact that petitioner Ranjit Kaur is a lady, there are no direct allegations against her and qua the cheque, admittedly, the complainant has already filed a complaint under Section 138 of the Negotiable Instruments Act, the order dated 05.04.2018 granting anticipatory bail to petitioner Ranjit Kaur is confirmed.

25.07.2018
smriti

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No.

Whether Reportable : Yes/No