

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 18813 of 2018 (O&M)

Date of decision : 21.5.2018

...

Sweety Ralh

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Amit Arora, Advocate for the petitioner.

Mr. C.L. Pawar, Senior DAG, Punjab.

...

H. S. Madaan, J.

This petition for pre-arrest bail has been filed by petitioner – Sweety Ralh, an accused in FIR No. 13 dated 13.2.2018, for offences under Section 420 IPC and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012, registered at Police Station Begowal, District Kapurthala.

Briefly stated, facts of the case, as per the prosecution story are that one Dilpreet Singh Dhillon r/o Hoshiarpur, besides Rajwinder Singh, husband of the petitioner Sweety Ralh and petitioner Sweety Ralh, had allured complainant Himmat Singh s/o Makhan Singh r/o village Begowal, Tehsil Bhollath, District Kapurthala, to pay them lacs of rupees on the pretext of sending Sarabjit Singh son of the complainant to Canada. It is specific case of the complainant that on 28.12.2017 Dilpreet Singh Dhillon and his

wife alongwith Sweety Ralh (present petitioner) came to his house and received Rs.20 lacs from him. Son of the complainant was rather taken to Malaysia where he was illegally confined and given beatings. He was threatened and compelled to make a phone call to his parents for making payment of Rs.20 lacs, which was ultimately paid to Rajwinder Singh. On registration of formal FIR, apprehending her arrest, petitioner had approached the Court of Sessions by way of filing an application for pre-arrest bail, which was marked to Additional Sessions Judge, Kapurthala, who vide order dated 25.4.2018 dismissed that petition, as such the petitioner has approached this Court, craving for grant of similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the petitioner, learned State counsel, besides going through the record.

Pre-arrest bail is discretionary in nature and is to be granted in exceptional circumstances and not in routine. It is meant to save the innocent persons from harassment and inconvenience and not to screen the culprits from custodial interrogation.

There are specific allegations of the petitioner alongwith her husband Rajwinder Singh and co-accused Dilpreet Singh Dhillon having fleeced the complainant of lacs of rupees giving allurements of assured migration of his son to Canada, without actually doing so. Rather son of the complainant was taken to Malaysia, illegally confined there, beaten up and maltreated and made to call his parents, in that way more money was extracted from the complainant. Such acts of the petitioner cannot be taken lightly. Her custodial

interrogation is required for complete and effective investigation and to effect recovery of money fleeced by the petitioner alongwith her co-accused from the complainant. Manner of the scam and the way of its execution are also to be found out, requiring custodial interrogation of the petitioner. 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 affecting the investigation being carried out adversely which is not called for. In the 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 information.

Finding no merit in the petition, the same stands dismissed.

21.5.2018
chugh

(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No