

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

CRM-M-8494-2020

Date of decision:-27.7.2020

Darshan Kaur @ Darsho

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.R.S. Sidhu, Advocate for the petitioner.

Mr.Devinder Bir Singh, DAG, Punjab.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Darshan Kaur @ Darsho, an accused in FIR No.111 dated 30.11.2018 for the offences under Sections 420 and 120-B IPC and Section 13 of Punjab Prevention of Human Smuggling Act, 2012, registered with Police Station Chohla Sahib, District Tarn Taran.

Briefly stated, the facts of the case as per the prosecution story are that the FIR in question was got registered by complainant Jarnail Singh son of Mehar Singh, resident of Chab, Tehsil Zira, District

Ferozepur, who in the written complaint submitted by him to SSP, Tarn Taran had sought taking of action against Darshan Kaur @ Darsho (present petitioner), her husband Gurmeet Singh and Harpreet Singh contending that he along with his family members including his wife Harjeet Kaur and son Gurwant Singh wanted to migrate abroad and in that connection, they had contacted persons aforesaid i.e. Gurmeet Singh, his wife Darshan Kaur @ Darsho and Harpreet Singh, who promised to arrange their migration to Canada; Harpreet Singh assured that brother-in-law of Gurmeet Singh was resident of Canada; the accused asked them to pay Rs.60 lakhs for that purpose. According to the complainant, he had sold off his 12 acres of agricultural land at village Chab, Tehsil Zira, District Ferozepur in the year 2011 and paid that amount to them. However, accused neither arranged their migration nor returned the money. Ultimately under pressure of relatives, Gurmeet Singh issued two cheques in the sum of Rs.14,00,000/- each dated 2.12.2017 and one cheque in the sum of Rs.46,00,000/- dated 23.1.2018 but on presentation the cheques were returned uncashed. In that way, all the accused had defrauded him and action be taken against them.

On receipt of the complaint, the matter was inquired into by SP(Investigation), Tarn Taran, who came to the conclusion that petitioner/accused and her co-accused were habitual of giving allurements to innocent persons and fleecing money from them on the pretext of arranging their migration abroad and they had received Rs.60 lakhs from the complainant in that manner.

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, Tarn Taran vide order dated 18.12.2018. As such, the petitioner has approached this Court asking for similar relief.

Notice of the petition is given to respondent – State. Mr.Devinder Bir Singh, DAG, Punjab has put in appearance on behalf of respondent – State and accepts notice on behalf of respondent - State.

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

Pre arrest bail is a discretionary relief and is to be granted in exceptional cases 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.

In this case the allegations against the petitioner are very grave and serious of cheating and defrauding the complainant of substantial amount of Rs.60 lakhs in connivance with her co-accused on the pretext of migration of complainant and his family to Canada.

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 to unfold the complete story. 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.

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

27.7.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No