

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

CRM-M-11332-2020(O&M)

Date of decision:-27.5.2020

Charanjeet Kaur

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.Aman Dhir, Advocate
for the petitioner.

Mr.Suvir Sheokand, Addl.A.G., Punjab.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Charanjeet Kaur, an accused in FIR No.19 dated 14.2.2020 for the offences under Sections 406, 420, 120-B IPC, registered with Police Station Sadar, Abohar, District Fazilka.

Briefly stated, the facts of the case, as per the prosecution

story are, that complainant Harbans Singh Popli, a non-resident Indian had executed a general power of attorney in favour of his brother Manpreet Singh Popli on 14.10.2004, authorizing him to sell his property. The property is situated in India. The present petitioner - Charanjeet Kaur is sister of complainant Harbans Singh Popli and Manpreet Singh Popli. As per the prosecution version Charanjeet Kaur and Manpreet Singh Popli hatched a criminal conspiracy to grab the land measuring 83 kanals 12 marlas situated at village Kala Tibba, Tehsil Abohar, belonging to the complainant Harbans Singh Popli and for that purpose the power of attorney by complainant in favour of Manpreet Singh Popli accused was misused. The said land measuring 83 kanals 12 marlas was transferred by Manpreet Singh Popli in favour of Charanjeet Kaur (present petitioner) vide transfer deed dated 6.4.2018 duly registered in the office of Sub-Registrar, Abohar. After a few days petitioner accused Charanjeet Kaur transferred the said land in favour of accused Manpreet Singh Popli vide transfer deed dated 23.4.2018 also a registered document. Thereafter, Manpreet Singh Popli sold the said land to Nirmala Devi wife of Krishan Lal and Manoj Kumar son of Krishan Lal vide registered sale deed dated 20.10.2019. On the basis of complaint made by Harbans Singh Popli, formal FIR in question was recorded.

On registration of formal FIR, 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, his such request was declined by learned Additional Sessions Judge, Fazilka vide order dated 6.3.2020. 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.

Learned counsel for the petitioner has contended that the petitioner is innocent and has not committed any offence and she is not a beneficiary in any manner and has been wrongly involved in this case and no recovery is to be effected from her. Therefore, she be granted pre-arrest bail.

Whereas learned State counsel has vehemently opposed the request contending that the petitioner along with her brother and co-accused Manpreet Singh Popli had hatched a conspiracy to grab the considerable landed property of their elder brother Harbans Singh Popli, who is a non-resident Indian and she had played an active role in the entire scam. Her custodial interrogation is definitely required.

After hearing learned counsel for the parties and going through the record, I find that active participation of the petitioner/accused Charanjeet Kaur in the whole scam clearly comes out to be there. Manpreet Singh Popli, in whom his elder brother Harbans Singh Popli, a non-resident Indian putting up in United Kingdom had reposed faith by appointing him as his attorney to deal with his property in India had indulged in crime of cheating procuring help of his sister Charanjeet Kaur in doing so. Since he being attorney of Harbans Singh Popli could not have possibly got the property transferred in his own name, he first got it

transferred in the name of Charanjeet Kaur and after a few days Charanjeet Kaur transferred it in the name of Manpreet Singh Popli, who in turn sold it away for a heavy amount. The photographs of Charanjeet Kaur are there on the transfer deed executed by Manpreet Singh Popli as attorney of Harbans Singh Popli in her favour as well as on the transfer deed executed by Charanjeet Kaur in favour of Manpreet Singh Popli a few days thereafter. Both the transfer deeds are registered documents. The signatures of Charanjeet Kaur are there on the second transfer deed executed by her in favour of Manpreet Singh Popli. Unfortunately, Manpreet Singh Popli and Charanjeet Kaur though being siblings of Harbans Singh Popli have clearly cheated him by indulging in these fraudulent acts. Charanjeet Kaur petitioner is not that innocent as learned counsel for the petitioner is trying to project. Her deep involvement in the whole scam is clearly there.

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 so as to find out as to how the scam was planned and executed, the role played by each of the accused and other persons. 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.

27.5.2020
Brij/sumit.k

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No