IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M- 21451 of 2020 (O&M)
Date of decision : 16.11.2020
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Pritpal Singh
................Petitioner

vs.

State of Haryana
................Respondent

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

Present: Mr. Rajiv Sharma, Advocate for the petitioner.

Mr. Tanuj Sharma, Assistant Advocate General, Punjab.

Mr. Surinder Gandhi, Advocate for the complainant.
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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail, has been filed by petitioner - Pritpal Singh, aged about 54 years, son of Harbhajan Singh, resident of House No. 1970/1, Phase 10, SAS Nagar, Mohali, at present resident of House No. 2721, Sector 67, SAS Nagar, Mohali, an accused in FIR No. 552 dated 22.5.2020, for offences under Sections 406, 420, 120-B IPC, registered at Police Station Ambala, City, District Ambala.

Briefly stated, facts of the case, as per prosecution story, are that complainant Jagmohan Singh son of Baljit Singh, resident of House no. 1248/6, Nar Aggarwal Dharmshala, G.T. Road, Ambala

City alongwith Gurpreet Singh of Chandigarh, Gagandeep Singh of Ambala City and Harmeet Singh of Saharanpur, had submitted a written complaint to Superintendent of Police, Ambala, Haryana, seeking taking of action against Pritpal Singh son of Harbhajan Singh and his wife Bhupinder Kaur, residents of SAS Nagar, Mohali, for cheating, on the pretext of sending them abroad and not refunding the money to them despite compromise effected at Police Post No.1.

Inter alia in the complaint, the complainants stated that in the year 2019, Pritpal Singh and his wife Bhupinder Kaur met them at the house of a relative, where Pritpal Singh told them that he sends people abroad; that they urged Pritpal Singh for sending them abroad; that Pritpal Singh demanded passports of the complainants and an amount of Rs.50,000/- each and it was so done by the complainants; that a few days thereafter, Pritpal Singh informed the complainants telephonically that their Visas had been sanctioned and they should deposit Rs.5 lacs each in his bank account; that Gurdev Singh, father of Gagandeep and brother-in-law of Pritpal Singh transferred Rs.3.50 lacs on 7.7.2018 and Rs.8 lacs on 11.7.2018 and Rs. 1 lac from the account of brother of Harmeet Singh on 1.6.2019 and Rs. 2 lacs on 2.7.2018 and Rs.80,000/- on 21.8.2018, whereas Rs.80,000/- were received by Pritpal Singh for purchase of tickets; that the money had been given to wife of Pritpal Singh in his house at Chandigarh; that Pritpal Singh had received Rs. 2 lacs from them for Visa verification. Similarly, Pritpal Singh took money from the complainants from their houses; that after some time Pritpal Singh and his wife Bhupinder

Kaur, took the complainants to Delhi asking them to board flight for Kolkata; that when the complainants reached Kolkata, an unknown person met them there and showed them copies of tickets and Visas, demanding their passports; that the complainants accordingly handed over their passports to that man, at the asking of Pritpal Singh and his wife; that said man did not turn up again; that Pritpal Singh and his wife assured the complainants that they would get their passports and Visas again; that after about two months Pritpal Singh gave them passports alongwith Visas. However, on being verified by the complainants, the Visas were found to be forged. The accused took their passports on the pretext of verification. The complainant reported the said matter to the Superintendent of Police, Ambala, where Pritpal singh and Bhupinder Kaur, agreed to return the money to the complainants and a written agreement was executed but till date the accused had not returned the money to the complainant, in that way playing fraud with them. After registration of the FIR, investigation in the case started.

Apprehending his arrest in this case, petitioner – accused Pritpal Singh has straightway approached this Court seeking pre-arrest bail, without moving application for grant of pre-arrest bail in the Court of Sessions at Ambala.

When the petition came up for hearing on 4.8.2020, counsel for the petitioner submitted that as per settlement arrived at between the parties in the Police Station, the petitioner has undertaken to pay Rs.20,00,000/- in total and out of which he would pay 50% within 10 days from that day. Hearing the said submission, the Court had directed that no coercive means be adopted against the petitioner till the next date of hearing. The case was adjourned to 17.8.2020. On that day, counsel for the complainant informed that complainants had not received money from the accused, whereas counsel for the petitioner-accused had stated that complainants were resiling from the agreement and refusing to accept the money. Accordingly, the petitioner was directed to prepare four demand drafts in the sum of Rs.2.5 lacs each in favour of four complainants. The case was adjourned to 26.8.2020. On 26.8.2020, counsel for the petitioner prayed for one day's time to prepare the demand drafts. The case was accordingly adjourned to 28.8.2020. On 28.8.2020, it was informed that the orders passed by the Court with regard to deposit/payment of amount, had not been complied with, as such order dated 4.8.2020, granting interim protection to the petitioner was recalled.

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

The allegations against the petitioner are very grave and serious of cheating the innocent persons of their hard earned money. He had fleeced a huge amount from them on the allurement of arranging their migration abroad. When the petitioner was unable to arrange migration of the complainants abroad, he had promised to return the money to them. Such promise was repeated in the Court also and time was sought for return of money to the complainants, without actually doing it.

Thus the petitioner tried to play fraud with the Court even. Such type of person is definitely not entitled to the protection of umbrella of pre-arrest bail. This extra ordinary relief is meant to save the innocent persons from harassment and inconvenience and not to act as a shield for criminals, enabling them to avoid custodial interrogation by the police. Furthermore, custodial interrogation of the petitioner, which is much more elicitation oriented, is certainly found necessary for complete and effective investigation, so as to find out as to how the entire crime was planned and executed, the other persons involved therein and where the money fleeced from the complainant was invested or deposited. In case custodial interrogation of the petitioner is denied to the investigating agency, that would leave many lacuna, loopholes and gaps in the investigation, adversely affecting the investigation, which is not called for.

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

However, nothing discussed above shall have any bearing on the merits of the case.

(H.S. Madaan)
Judge

16.11.2020
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Whether speaking / reasoned Yes / No

Whether reportable Yes / No