

CRM-M-22867-2019;
CRM-M-24256-2019;
CRM-M-25540-2019;
CRM-M-26333-2019; and
CRM-M-33231-2019

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1.

CRM-M-22867-2019

Balbir Kaur @ Balvir Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondent
2.

CRM-M-24256-2019

Kulwant Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents
3.

CRM-M-25540-2019

Devinder Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

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..... Petitioner

Versus

State of Punjab and others

..... Respondents

5.

CRM-M-33231-2019

Lakhwinder Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

Date of decision :-5.3.2020

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

Present: Mr.Mittardeep Singh, Advocate for
Mr.Mohit Sadana, Advocate and
Mr.Amrinder Singh Sidhu, Advocate and
Mr.Aman Mittal, Advocate Advocate for the petitioners.

Ms.Amarjit Kaur Khurana, DAG, Punjab.

Mr.K.S. Chahal, Advocate
for respondent – Karam Singh.

Mr.Pankaj Chauhan, Advocate
for respondent No.3 in CRM-M-33231-2019 and
for respondent No.5 in remaining all petitions.

H.S. MADAAN, J.

Vide this order, I shall dispose of five petitions for grant of pre-arrest bail i.e. ***CRM-M-22867-2019*** filed by petitioner Balbir Kaur @ Balvir

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Kaur, ***CRM-M-24256-2019*** filed by petitioner Kulwant Kaur, ***CRM-M-25540-2019*** filed by petitioner Devinder Singh, ***CRM-M-26333-2019*** filed by petitioner Jagseer Singh and ***CRM-M-33231-2019*** filed by petitioner Lakhwinder Singh, all of them being accused in FIR No.73 dated 30.4.2019 for the offences under Sections 420, 120-B IPC registered at Police Station Sadar, Sangrur, District Sangrur.

Briefly stated, facts of the case as per the prosecution story are that Karam Singh and his wife Jaswinder Kaur had submitted a complaint against Lakhwinder Singh, Jagsir Singh, Kulwant Kaur, Davinder Singh, Balbir Kaur, Gurbant Singh and Shaminder Singh on the allegations that those persons in connivance with each other had fraudulently received a huge amount of money from them and in that way had cheated them.

One that Nirbhai Singh had submitted a separate complaint against Jagsir Singh, Kulwant Kaur, Davinder Singh, Balbir Kaur and Gurbant Singh with similar allegations.

An enquiry was conducted with regard to the allegations in the two complaints, which revealed that Jagsir Singh and others owned and possessed about 35/36 bighas of land. They had executed power of attorney in favour of Lakhwinder Singh on 26.10.2018 but later on they themselves executed an agreement to sell in favour of Gurwinder Kaur wife of complainant Nirbhai Singh on 30.11.2018 at the rate of Rs.20,25,000/- per acre, receiving a sum of Rs.56,00,000/- as earnest money from them at different points of time. However, in connivance with each other and with

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an intention to cheat, Jagsir Singh, Gurbant Singh and others got executed another agreement to sell dated 18.3.2019 through their power of attorney holder Lakhwinder Singh in favour of the complainant Karam Singh and his wife Jaswinder Kaur. They had received Rs.89,00,000/- as earnest money at different points of time. However, Jagsir Singh etc. did not get the sale deed executed in favour of any of such persons. The master mind behind the entire scam was Gurbant Singh. A total amount of Rs.1,35,00,000/- was involved. During enquiry, no incriminating evidence was found against Shaminder Singh. During the course of inquiry Lakhwinder Singh and Gurbant Singh had issued cheques for a sum of Rs.96,90,000/- in favour of Karam Singh and his wife Jaswinder Kaur. Similarly, Kulwant Kaur had issued a cheque in favour of Nirbhai Singh etc. for a sum of Rs.40 lakhs.

After seeking opinion of DDA(legal) on the enquiry report, FIR was registered.

Apprehending their arrest in this case, petitioners/accused had approached the Court of Sessions seeking grant of pre-arrest bail but their such applications were dismissed by the Court of learned Additional Sessions Judge, Sangrur. As such, they have approached this Court asking for similar relief by way of filing separate petitions.

Notice of the petitions was given to the respondents, who put in appearance through counsel. The complainants have also appeared through counsel.

I have heard learned counsel for the parties besides going

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through the record.

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. There are serious and grave allegations against the petitioners that they had hatched a conspiracy and in pursuance thereof had cheated innocent persons of substantial amount more than Rs.1 crore. During the course of inquiry, Lakhwinder Singh, Gurbant Singh and Kulwant Kaur are said to have issued cheques in favour of the complainants towards return of the earnest money but statedly those cheques had not been encashed, which goes to show that the cleverness of such persons.

It may be mentioned here that in *CRM-M-22867-2019* filed by petitioner Balbir Kaur @ Balvir Kaur when it came up for hearing on 20.5.2019, learned counsel representing the petitioner had contended that though allegations in the FIR were that the petitioner had entered into an agreement to sell her land with Gurwinder Kaur on 30.11.2018 and 15.2.2019, her general power of attorney, namely, Lakhwinder Singh had sold the land to Karam Singh and his wife, but petitioner had cancelled the power of attorney in favour of Lakhwinder Singh and she herself had been duped by Lakhwinder Singh. Learned counsel for the petitioner had contended that petitioner being widow aged about 52 years, she was ready and willing to settle the matter through mediation. The matter was referred to mediation but nothing came out of it. It seems that such offer had been

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made by the petitioner simply to gain time and to get interim protection from the Court. It comes out that all the accused in the FIR have been hand in glove with each other in executing the criminal acts. The complainants have been showing willingness to settle the matter. The counsel appearing for the petitioner Balbir Kaur had made statement in the Court on 5.12.2019 that such petitioner would pay a sum of Rs.5 lakhs to the complainant Nirbhai Singh within a week and would also paid another sum of Rs.10 lakhs within a period of three months and she would pay a sum of Rs.5 Lakhs to Karam Singh within a week and he would try to settle the matter with the complainants for the outstanding amount. But on the adjourned date, it was informed on behalf of the complainant that such undertaking had not been complied with. Such type of persons trying to play hide and seek with the Court are certainly not entitled to get any concession.

The allegations against all the petitioners are very serious and grave. Custodial interrogation of the petitioners is definitely required for complete and effective investigation so as to find out as to under what circumstances the conspiracy to commit the crime was hatched and executed; all the persons involved therein and how the amount received from the complainants was apportioned and the amount is also to be recovered from the accused. In case custodial interrogation of the petitioners 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.

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Therefore, no case for grant of pre arrest bail to either of the petitioners is made out.

Thus, the petitions stand dismissed.

(H.S. MADAAN)
JUDGE

5.3.2020
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1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**