

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

CRM-M-1338-2021 (O&M)

Date of decision: 12.01.2021

Rajinder Kaur

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr. A.S. Sandhu, Advocate for the petitioner.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Rajinder Kaur, an accused in FIR No.233 dated 24.07.2020, for offences under Sections 406, 420 and 120-B of IPC, registered with Police Station Haibowal, District Police Commissionerate, Ludhiana.

Notice of motion.

Mr. Sukhbeer Singh, AAG, Punjab accepts notice on behalf of the State.

Briefly stated facts of the case as per prosecution version are that, complainant Rajinder Kumar Duggal son of Sadhu Ram, resident of H.No.2/22, Nehru Gate, District Tarn Taran had submitted a written complaint addressed to the Deputy Commissioner of Police, Ludhiana, *inter alia*, stating that he had entered into a deal for sale of

his car bearing registration No.CH04-E-6767, make Audi with Ramesh Kumar Captain, resident of H.No.160, Phase-2, Dugri, Ludhiana in March, 2019 for a sum of Rs.6,20,000/-; that Ramesh Kumar Captain was acquainted with his friend Naresh Kumar and the complainant had given forms regarding transfer of RC to Ramesh Kumar after signing the same; Ramesh Kumar had stated that the car was to be purchased in the name of his wife Smt. Rajinder Kaur; he had sent copies of relevant documents to Naresh Kumar through Whatsapp; the custody of the vehicle was given to Ramesh Kumar without receiving the amount, since Ramesh Kumar had assured that he would pay the entire amount within one week but subsequently, Ramesh Kumar neither paid the amount nor returned the money; the complainant nursed a suspicion that he had sold the car to some other person, thereby cheating him of Rs.6,20,000/-; on receipt of such complaint, formal FIR in the matter was recorded; the investigation in the case started.

Apprehending her arrest in this case, petitioner/accused had filed a petition for grant of pre-arrest bail before the Court of Sessions at Ludhiana. Her such petition was assigned to Addl. Sessions Judge, Ludhiana, who vide order dated 20.10.2020, directed the applicant Rajinder Kaur to join the investigation on or before 10.11.2020 and interim bail was granted to her on certain conditions. The case was adjourned to 10.11.2020 for awaiting report from the concerned police station as to whether the applicant has joined the investigation or not. On 24.12.2020, ASI Kulwinder Singh,

Investigating Officer of the case appeared before Addl. Sessions Judge, Ludhiana and made statement that applicant/accused Rajinder Kaur had given a cheque to the complainant regarding her liability but the said cheque had been dishonoured and accused was not cooperating in the investigation. As such, the petition for pre-arrest bail filed on behalf of Rajinder Kaur was dismissed, vide order of even date. The said accused has now brought the instant petition, seeking relief of anticipatory bail before this Court, which request is being opposed by the State counsel.

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

Pre-arrest bail is a discretionary equitable relief, which is to be granted by the Court in rare and exceptional circumstances to save the innocent persons from harassment and inconvenience and not to provide protective umbrella to the criminals enabling them to avoid arrest and interrogation by the investigating agency. In the present case, in the FIR, it is clearly mentioned that Ramesh Kumar, husband of the present petitioner had entered into a bargain with the complainant to purchase the Audi car of the former in the name of his wife Rajinder Kaur (present petitioner) and the sale price of Rs.6,20,000/- had not been paid to the seller. The connivance of the present petitioner in further sale of the car obviously come out to be there. The learned Addl. Sessions Judge, Ludhiana while entertaining her petition for grant of pre-arrest bail had been quite lenient with her,

granting her interim bail with a direction to join the investigation but as has come in interim order dated 24.12.2020, passed by ld. Addl. Sessions Judge, Ludhiana, copy of which has been placed on record by learned counsel for the petitioner himself, the present petitioner not only was non-cooperative in the investigation but she tried to be over clever and act smart by issuing cheque to the complainant with regard to her liability of payment of price of the Audi car, which cheque was dishonoured. Such act and conduct on the part of the petitioner clearly dis-entitles her to grant of any relief under Section 438 Cr.P.C. Therefore, the present petition is doomed for failure and is dismissed accordingly.

12.01.2021

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No