

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

CRM-M-3112-2021 (O&M)

Date of decision: 22.01.2021

Gurjinder Kaur

...Petitioner

Versus

UT Chandigarh

...Respondent

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

Present: Mr. Swarn Tiwana, Advocate for the petitioner.

Mr. Abhinav Gupta, APP, UT Chandigarh.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Gurjinder Kaur, an accused in FIR No.220 dated 08.08.2019, for offences under Sections 420, 467, 468, 471 IPC, registered with Police Station North, Chandigarh.

Notice of motion.

Mr. Abhinav Gupta, APP, UT Chanidgarh, accepts notice on behalf of the respondent-UT Chandigarh.

FIR in this case was registered at the instance of Paramvir Singh son of Gurlabh Singh, R/o H.No.22, Ward No.09, Kurali, District Mohali, who in the written complaint submitted by him to the police stated that he had applied for the post of Chowkidaar in Punjab and Haryana High Court and went there for the purpose of interview;

thereafter, he talked about it with Rajesh Sharma working as Constable in Punjab Police, a friend of his father, who introduced him with Navjot Singh, posted as Gunman with a Judge of this Court; Navjot Singh received a sum of Rs.2 lacs from the complainant to help him in getting employment as Chowkidaar in the High Court, however, recruitment for the post of Chowkidaar was cancelled; then complainant asked Navjot Singh to return him amount of Rs.2 lacs, then Navjot Singh told him that he would get him recruited as a peon in the High Court, for which, he demanded Rs.6 lacs; Navjot Singh got filled a form from the complainant and took Rs.75,000/- in cash from him; another sum of Rs.25,000/- were transferred by the complainant in account of Navjot Singh with HDFC Bank, Kurali; thereafter, Navjot Singh called the complainant to Mata Kaushalya Hospital, Patiala for medical examination, which was got conducted and he introduced the complainant to a lady, asking him to give Rs.2000/- to her; the complainant accordingly did so and said lady got forms filled up from the complainant; subsequently, Navjot Singh handed over a joining letter to the complainant and received balance amount of Rs.3 lacs from him; when the complainant came to High Court for the purpose of joining as peon, he found that joining letter was forged; subsequently, he tried to contact Navjot Singh but Navjot Singh was not traceable; on the basis of such written complaint, formal FIR was registered; the investigation in the case started, during the course of which, active involvement of the petitioner was found in the scam, being the woman who had helped in conducting medical examination of

complainant at Mata Kaushalya Hospital, Patiala; it was found that she is involved in two other criminal cases i.e. FIR No.53 dated 07.04.2019, for offences under Sections 406, 420, 465, 467, 468, 471 and 120-B IPC and FIR No.67 dated 13.05.2019, for offences under Sections 420, 465, 468, 471 and 120-B IPC, registered at Police Station Urban Estate, Patiala on the similar allegations; she was arrested in this case; on an application having been filed by her, she was ordered to be released on interim bail for a period of 30 days i.e. upto 15.06.2020, vide order dated 15.05.2020 passed by JMIC, Chandigarh; the petitioner did not surrender before the police or in the Court or at jail gate after expiry of period of interim bail, rather, she moved application for pre-arrest bail before the Court of Sessions at Chandigarh, which was assigned to Addl. Sessions Judge, Chandigarh, who vide order dated 08.01.2021, dismissed the same, observing that the concession of interim bail was extended initially for a period of 56 days, in view of the directions issued by High Powered Committee and further, extension was granted till 10.11.2020, vide order dated 27.08.2020 by the Court of JMIC, Chandigarh, though a direction had been issued to the petitioner/accused to furnish requisite bonds in the Court on or before 07.09.2020 but the petitioner neither furnished the bonds nor surrendered, rather set up a plea that she remained occupied in taking care of her brother, who was operated upon in the month of July, 2020; in that way, she misused the concession of interim bail granted to her; it was further observed that the petitioner want to convert benefit of interim bail to that of regular bail by way of adopting a novel device of seeking relief of anticipatory bail, though after due surrender, she is

required to seek concession of regular bail from the Court of competent jurisdiction; the petitioner was directed to surrender before the trial Court or at Model Jail, Burail, Chandigarh forthwith and then to seek redressal of her grievances in accordance with law.

The petitioner instead of surrendering before the Court in terms of direction issued by learned Addl. Sessions Judge, Chandigarh, vide order dated 08.01.2021 has opted to approach this Court by way of filing the present petition for pre-arrest bail, which is being resisted by counsel for UT Chandigarh.

I have heard learned counsel for the parties besides going through the record and I find that this petition is nothing but gross misuse of process of law. The petitioner has obviously misused the concession of interim bail granted to her and after expiry of period of extensions to the interim bail, she is to be treated as an absconder and she is certainly not entitled to discretionary equitable relief of pre-arrest bail. The prayer ought to be rejected outrightly, that too, with exemplary costs, however, while dismissing the present petition, I refrain from imposing any costs. Finding no merit in the instant petition, the same stands dismissed.

22.01.2021

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(H.S. MADAAN)
JUDGE

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