

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203)

CRM-M-2688 of 2021
Date of Decision: 11.02.2021

Shallu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Sandeep Gahlawat, Advocate, for the petitioner.
Mr. Sukhbeer Singh, AAG, Punjab
Mr. K.B. Raheja, Advocate, for the complainant.

Amol Rattan Singh, J. (Oral)

Case heard by video conference.

On 22.01.2021, the following order had been passed in this
petition:-

“Case heard by video conference.

By this petition, filed under the provisions of Section 438 of the Cr.P.C, the petitioner seeks the concession of anticipatory bail, upon FIR no.08, dated 31.08.2020, having been registered at Police Station Ferozepur, District Ferozepur, alleging therein the commission of offences punishable under Sections 498-A, 406 of the IPC, with the offences punishable under Sections 420 and 120-B thereof added subsequently.

Notice of motion is issued, with Mr. Ramdeep Partap Singh, learned DAG, Punjab, accepting notice on behalf of the respondent-State, on the asking of the court.

Adjourned to 05.02.2021.

A gazetted officer is directed to file a detailed reply to the petition by the next date of hearing.

It is made absolutely clear that there is no interim order operating in favour of the petitioner at this stage.”

Thereafter, a reply has been filed on behalf of the respondent-State by way of an affidavit of the DSP (NRI Wing), Ludhiana, dated 02.02.2021.

Learned counsel for the petitioner points to a complaint shown to be made by one Jatinder Kaur (stated to be the daughter of the complainant in the present FIR), with a copy of that complaint having been annexed as Annexure P-2, which is seen to be dated 10.05.2019.

The said complaint reads as follows:-

“It is submitted that my marriage was solemnized with Angrez son of Gurdeep Singh, resident of Mattar Hitthar according to complete rituals on 1st May, 2016 and this marriage is registered one. He was residing in Germany at that time. He has also taken handsome amount from us since 1 ¼ up to now and now he is residing with some other lady at Raja Saansi, Ward no.4. We have traced him now. He is residing with some other lady. He has committed fraud with us and we have also come to know that he is planning to go abroad in Germany within period of 3 days. I request you to confiscate his passport and legal action be taken against him. He is residing with Shalu and Sonam Gill whoa re also in connivance with him.

*Sd/-
Jatinder Kaur”*

He submits that in the said complaint nothing has been stated by Jatinder Kaur that in fact the petitioner herein, i.e. Shallu, had taken any money from her or that she had been handed over any money by Angrez Singh, i.e. the prime accused in the FIR, and consequently upon the

complaint subsequently lodged by her father, i.e. Palla Singh, leading to the registration of the FIR dated 31.08.2020, i.e. more than one year and three months after the original complaint by Jatinder Kaur, the petitioner cannot be accused of having committed any offence and therefore should be admitted to bail.

He further submits, upon query of this court, that the petitioner is the wife of Angrez Singh, with the marriage performed on 05.10.2015, with there also being a child born of the marriage.

If that is factually so (with no comment actually made on the merits of that contention by this court), then obviously if any marriage was subsequently performed on 01.05.2016 with Jatinder Kaur (as has been stated in her complaint in Annexure P-2), that would not be a valid marriage without a divorce having been obtained by the petitioner/Angrez Singh as regards their marriage to each other.

Be that as it may, the contention of the learned counsel is that the petitioner, Shallu, has not been accused of having taken any money that Angrez Singh is alleged to have taken from the complainant in the FIR, or from his daughter, for the purpose of taking her abroad. It is however seen that even in the aforesaid complaint, it is stated in the last line that the petitioner and one Sonam Gill were residing with Angrez Singh and were in connivance/in collusion with him.

Hence, simply because it has not been stated therein that any money was taken by them, I would find no force in the contention of learned counsel to the effect the petitioner has not even been named as an accused in

the original complaint and has only been added as an accused in the subsequent complaint made by the father of Jatinder Kaur, leading to the registration of the FIR.

Obviously, whether or not the allegations against either the petitioner herein or her husband (or any other accused), are correct or otherwise, would be a matter of evidence to be gathered by the investigating agency and no comment is being made thereupon by this court at this stage, this being a petition seeking 'anticipatory bail' for the petitioner.

Upon query put to the learned State counsel, he submits that the aforesaid Angrez Singh is admittedly in Germany (which learned counsel for the petitioner does not deny); and as per the allegation of the complainant, Rs.15 lacs were actually handed over by Angrez Singh to the petitioner and as per investigation carried out, Angrez Singh also sent her money from Germany.

Mr. Raheja, learned counsel for the complainant, reiterates the aforesaid and further submits that actually even as per paragraph 2 of the petition itself, the petitioner has admitted that she was earlier married to one Sunil Gill and had a son and a daughter from that marriage, but subsequently she separated from her husband and thereafter in 2014 started residing with Angrez Singh, with them having decided to thereafter solemnize a marriage.

He therefore submits that in fact the said marriage is not a valid marriage, but be that as it may, as regards the allegation against the

petitioner of duping the complainant and his daughter of money on the promise of sending the complainants' daughter, Jatinder Kaur, abroad, those allegations would hold good regardless of the status of any marriage.

Having considered the matter, seeing that the petitioner herself was also accused in the original complaint made by Jatinder Kaur on 10.05.2019, (of being in 'connivance' with the aforesaid Angrez Singh), with Angrez Singh stated to be in Germany, I would find no reason to admit the petitioner to anticipatory bail, when the State is saying that her custodial interrogation very much required.

Consequently, without making any comment on the merits of the case, which naturally as already said, would be subject matter of evidence gathered by the investigating agency, this petition is dismissed.

11.02.2021
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No