

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

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CRM-M-5132-2021.

Date of Decision: 12.08.2021.

Shaweta Sehgal

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Naveen Sharma, Advocate for petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

This petition under Section 438 Cr.P.C. for grant of pre-arrest bail has been moved by petitioner-**Shaweta Sehgal** in case FIR No.193 dated 15.10.2020 under Section 420 IPC, registered at Police Station Dugri, District Police Commissionerate Ludhiana.

Learned counsel for the petitioner *inter alia* contends that allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota of truth therein. He further submits that allegedly petitioner had taken Rs.80,000/- and Rs.2,61,000/- from complainants namely Kulwant Singh and Satnam Singh respectively, for procuring job for their daughters, but to no avail. He further submits that as a matter of fact, petitioner had taken loan of Rupees One Lakh from Rattan Lal, who in lieu as security thereof, had obtained blank cheques from the petitioner but even

after repayment of said amount of Rupees One Lakh, above said Rattan Lal did not return the blank cheques to petitioner on one pretext or the other. He further urges that complainants have got registered instant FIR in connivance with above said Rattan Lal while using above said blank cheques. He further submits that though petitioner has no nexus whatsoever with the alleged offence, she is ready to join investigation as and when called upon to do so by the Investigating Agency, thus, concession of pre-arrest bail may be extended to her.

On the other hand, learned State counsel while opposing the cause of petitioner has vehemently argued that petitioner had duped complainants namely Kulwant Singh and Satnam Singh of Rs.80,000/- and Rs.2,61,000/- respectively on the pretext of procuring job of Clerk for their daughters in Government Girls College, but when she (petitioner) failed to do the needful, on repeated demands, she had issued two cheques of above said amount favouring complainants, which on presentation were dishonoured. He further urges that petitioner is habitual offender as she is involved in four other criminal cases of similar nature, the details of which, have been narrated in Para No.3 of preliminary submissions of reply. He further urges that recovery of duped amount is yet to be effected. He further urges that in view of nature of offence committed by the petitioner, her custodial interrogation is necessitated to know the *modus operandi* of the crime and further to unveil the truth and as such she is not entitled for the concession of pre-arrest bail.

I have heard learned counsel for the parties and have carefully gone through the record of the case.

Without commenting anything on the merits of the case, lest it may prejudice the case of either of the parties, allegedly petitioner duped complainants namely Kulwant Singh and Satnam Singh to the tune of Rs.80,000/- and Rs.2,61,000/- respectively on the pretext of procuring job of Clerk for their daughters in Government Girls College. Pre-arrest bail is not to be granted as a matter of routine/course in all cases. The grant or refusal of such bail depends on the variety of circumstances, the cumulative effect of which, should enter the judicial verdict. The power under Section 438 Cr.P.C. is to be exercised sparingly and in exceptional cases keeping into focus the facts and circumstances of each case. At the same time, it is now well-settled proposition of law that the order of anticipatory bail cannot be allowed to circumvent normal procedure of arrest and investigation by the Police. The Court has also to see that the investigation is in the province of the Police and an order of anticipatory bail should not operate as an in-road into the statutory investigational powers of the Police, in exercising the judicial discretion in granting the anticipatory bail. The Court should not be unmindful of the difficulties likely to be faced by the Investigating Agency and the public interest likely to be affected thereby in this relevant connection. In a given situation, custodial interrogation of petitioner is certainly required for complete and effective investigation. In case, same is denied to the Investigating Agency that shall leave many glaring loopholes and gaps, adversely affecting investigation, which is uncalled for. Keeping in view totality of entire scenario and nature of offence, no extra-ordinary ground has been made out in favour of petitioner for her entitlement of pre-arrest bail.

As a sequel to above, instant petition for grant of pre-arrest bail moved by the petitioner, is dismissed.

(LALIT BATRA)
JUDGE

12.08.2021
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Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No