

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

(1) CRM-M-9523-2021 (O&M)

Harpreet Singh @ Happy

...Petitioner

Versus

State of Punjab

...Respondent

(2) CRM-M-6441-2021 (O&M)

Rajveer Singh

...Petitioner

Versus

State of Punjab

...Respondent

Date of decision: 24.03.2021

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

Present: Mr. K.S. Brar, Advocate for the petitioner(s).

Mr. J.S. Ghuman, DAG, Punjab.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

These petitions for pre-arrest bail under Section 438 Cr.P.C. have been filed by petitioners Harpreet Singh @ Happy and Rajveer Singh, both of them being accused in FIR No.226 dated 31.12.2020, for offences under Sections 420, 120-B IPC and Section 24 of Immigration Act, registered with Police Station Koom Kalan, District Ludhiana.

Briefly stated the prosecution version is that, petitioner/accused Harpreet Singh @ Happy along with his brother in-law/accomplice Rajveer Singh had received Rs.12 lacs from complainant Satnam Singh son of Darshan Singh for sending wife of the complainant Kamaljit Kaur abroad for total sum of Rs.18-20 lacs, receiving her passport and Rs.50,000/- in cash on 01.01.2020; that petitioner/accused Harpreet Singh @ Happy had received another sum of Rs.5 lacs from complainant which was deposited in the account of such petitioner-accused Harpreet Singh @ Happy with UCO Bank at Kohara; another amount of Rs.6,50,000/- in cash on 24.02.2020; however, the accused neither arranged a visa for Kamaljit Kaur nor returned her passport; subsequently when pressurized, Harpreet Singh @ Happy returned Rs.3 lacs on 26.02.2020 but did not pay the remaining amount; on matter being reported to the police, formal FIR was recorded.

Apprehending their arrest in this case, petitioners had approached the Court of Sessions at Ludhiana by moving separate applications seeking pre-arrest bail but were unsuccessful there. Feeling aggrieved, they have approached this Court by way of filing the present petitions, praying for grant of similar relief, which are being resisted by the State counsel.

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

As far as petitioner Harpreet Singh @ Happy, he comes out to be the main culprit with serious allegations of fraud and cheating

against him. His custodial interrogation is found to be necessary for complete and effective investigation so that the whole scam gets exposed. Many material facts with regard to this case and some other innocent people who might have been duped by petitioner Harpreet Singh @ Happy may come out to be there, if Harpreet Singh @ Happy is put to custodial interrogation. Denying such interrogation to the investigating agency shall literally hamper the investigation, leaving many glaring loopholes, gaps and lacuna, adversely affecting it, which is uncalled for. Furthermore, recovery of the money paid by complainant to the petitioner/accused Harpreet Singh @ Happy is to be effected and passport of Kamaljit Kaur is also to be got recovered from him. Therefore, as far as petitioner Harpreet Singh @ Happy is concerned, no case for grant of anticipatory bail to him is made out and the petition No.CRM-M-9523-2021 filed by him stands dismissed.

Whereas, with regard to Rajveer Singh, he has since joined the investigation in terms of the direction issued by this Court, vide order dated 11.02.2021. As per statement by learned State counsel on instructions from ASI Harmesh Lal, custodial interrogation of Rajveer Singh is not required, since no recovery is to be effected from him.

Under the circumstances, the petition filed by Rajveer Singh bearing No.CRM-M-6441-2021 is allowed. The interim bail granted to him, vide order dated 11.02.2021 is made absolute, subject to the following conditions:-

- 1.that the petitioner shall make himself available for investigation by a police officer as and when required;

- 2.that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;
- 3.that he shall not leave India without prior permission of the Court.
- 4.that he shall surrender his passport before the Investigating Officer and if he is not having passport, then, shall file the affidavit in that regard.

In case, the petitioner Rajveer Singh violates any terms & conditions, on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

24.03.2021

sumit.k

(H.S. MADAAN)
JUDGE

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