

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

102/2

CRM-M-20053-2021.

Date of Decision: 19.05.2021.

Parminder Kaur

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. G.S. Kaura, Advocate for petitioner.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

This petition under Section 438 Cr.P.C. has been moved by petitioner-**Parminder Kaur** for grant of pre-arrest bail in case FIR No.9 dated 16.01.2021 under Sections 120-B and 420 IPC and Sections 4 and 5 of Prize Chits and Money Circulation Schemes (Banning) Act, 1978, registered at Police Station Sandaur, District Sangrur.

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 petitioner was not named in the FIR. He further urges that there was no involvement of petitioner in the commission of alleged offence. He further urges that as a matter of fact petitioner is doing the work of stitching clothes (*Rumalas*) for Guru Granth Sahib. He further submits that petitioner is a housewife blessed

with two children. He further submits that Boota Singh, husband of

petitioner, has already been arrested in the instant case FIR and as such petitioner has to take care of her family members. He further urges that though petitioner has no concern whatsoever with the membership of Shri Guru Ravidas Welfare Charitable Society, Village Kuthala, District Sangrur (Punjab), but the said Society had hired her services as well as of her husband Boota Singh for preparation of clothes (*Rumalas*) as well as Tent House for the purpose of 'Akhand Path Series'. He further submits that petitioner has not received any single penny from the said Society as member thereof. 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.

Notice of motion.

At the asking of Court, Mr. Mehardeep Singh, Additional Advocate General, Punjab, accepts notice on behalf of respondent-State. Complete copy of paper book has been supplied to him.

Learned State counsel while opposing the cause of petitioner has vehemently argued that petitioner is one of the accomplices who committed fraud upon various persons (complainants) in a well planned manner and thereby they (complainants) were divested of their amounts to the tune of Rs.5,51,40,000/-. He further urges that co-accused Gurmail Singh in connivance with other accused cheated the complainants by alluring them to deposit huge amounts on the pretext of 'Akhand Path' with the assurance that they (complainants) would get huge incentive on their deposits. He further urges that during interrogation, statements of Daljit

wherein name of petitioner came into limelight in the array of accused. He further urges that petitioner in connivance with co-accused committed fraud upon numerous persons and recovery of cheated amount is yet to be effected. He further urges that in view of nature of offence committed by the petitioner, her custodial interrogation is required to unearth 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 contents of petition as well as 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 alongwith co-accused cheated numerous persons (complainants) of their huge amount on the pretext of 'Akhand Path' with assurance that they (complainants) would get huge incentive on their deposits. 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

19.05.2021
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Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No