

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M- 28487 of 2020 (O&M)

Date of decision : 7.1.2021

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Kirandeep Kaur @ Lovely

.....Petitioner

vs.

State of Haryana

.....Respondent

CRM-M- 30224 of 2020 (O&M)

...

Jaswinder Singh

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. S.K. Choudhary, Advocate for the petitioners

Mr. Karan Garg, Assistant Advocate General,
Haryana.

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

Vide this order, I intend to dispose of two petitions, bearing CRM-M-28487-2020 titled as 'Kirandeep Kaur @ Lovely vs. State of Haryana' and CRM-M-30224-2020 titled as 'Jaswinder Singh vs. State of Haryana', as both these petitions have arisen out of the same FIR.

Petitioner – Kirandeep Kaur @ Lovely, aged about 34 years, d/o Jagsir Singh, resident of village Panj Garain, Tehsil Kapura, District Faridkot, has filed CRM-M-28487-2020, whereas Jaswinder Singh, aged about 50 years, s/o Faqir Singh, resident of Bhaga Patti, Ward No. 6, Baghapurana, District Moga, has filed CRM-M-30224-2020, for grant of pre-arrest bail, in case FIR No. 351 dated 11.8.2020, for offences under Sections 420, 406, 379, 120-B IPC, registered at Police Station Meham, District Rohtak.

Briefly stated, facts of the case, as per prosecution story, are that Dasaratha met complainant – Phool, a bachelor, assuring him to get him married on payment of some amount. Complainant Phool paid him Rs.5,000/-. Dasaratha took complainant Phool and his brother Mukesh Kumar, also a bachelor alongwith one Rajbir, to one Praveen resident of Desh Khenga, District Jind. Praveen took them to one Harpal son of Mohan Das, resident of Khanauri and then they were taken to petitioner - Jaswinder resident of Bhaga Purana. After some discussion, Jaswinder agreed to marry his sister Lovely-petitioner with the complainant and received an amount of Rs.1,55,000/- from them as marriage expenses. Complainant was married with Lovely and thereafter, he accompanied by Lovely returned to his house. After some time, Jaswinder came to the house of complainant on the pretext of taking back his sister Lovely with him for the reason that their mother was ill. Lovely got transferred Rs.25,000/- from bank account of complainant to the bank account of her relative statedly for the purpose of treatment of her mother.

Jaswinder stayed at house of the complainant for night. When in the morning, complainant woke up, he found that Jaswinder Singh and Lovely were missing from home. On checking he found that Rs.1,65,000/- in cash, gold mangalsutra, gold earrings, anklets, rings etc. were missing. The complainant had reported the matter to the police by submitting a written compliant on 11.8.2020 in which he added that he had been cheated of Rs.4,50,000/- by the aforesaid persons and Jaswinder had given some intoxicant substance to him at night and then Jaswinder alongwith Lovely had left the house. On the basis of complaint, formal FIR was registered.

Apprehending their arrest in this case, Harpal, Jaswinder and Kirandeep Kaur @ Lovely, had approached the Court of Sessions at Rohtak, for grant of pre-arrest bail by moving an application in that regard. However, their such application, which was assigned to Additional Sessions Judge, Rohtak, was dismissed vide order dated 1.9.2020. As such, Jaswinder Singh and Kirandeep Kaur @ Lovely, have knocked at the door of this Court, craving for grant of similar relief, by way of filing separate petitions, which request is being opposed by the State counsel.

I have heard, learned counsel for the petitioners, learned State counsel, besides going through the record.

The allegations against the petitioners are very grave and serious of playing fraud with an innocent person and cheating him of a substantial amount running into lacs of rupees, on the pretext of Kiranpal Kaur @ Lovely, getting married with the complainant. There

are allegations of theft by both the petitioners from the residential house of the complainant. Custodial interrogation of the petitioners is definitely required to effect the recovery of cash and valuable articles, subject matter of cheating and theft; the complete story as to how the crime was planned and executed is also to be unearthed. If custodial interrogation of the petitioners is denied to the investigating agency, that would leave many lacuna, loopholes and gaps in the investigation, adversely affecting the investigation, which is not called for.

Thus, both the petitions are without any merit and as such are dismissed.

However, nothing discussed above shall have any bearing on the merits of the case.

7.1.2021
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No