

CRM-M-29233-2020(O&M);
CRM-M-24397-2020(O&M);
CRM-M-39764-2020(O&M);
CRM-M-40657-2020(O&M);
CRM-M-3105-2021(O&M); and
CRM-M-7881-2021(O&M) -:1:-

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

1.

CRM-M-29233-2020(O&M)

Harwinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent
2.

CRM-M-24397-2020(O&M)

Kuldeep Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent
3.

CRM-M-39764-2020(O&M)

Savita Khanna

..... Petitioner

Versus

State of Punjab

..... Respondent

**CRM-M-29233-2020(O&M);
CRM-M-24397-2020(O&M);
CRM-M-39764-2020(O&M);
CRM-M-40657-2020(O&M);
CRM-M-3105-2021(O&M); and
CRM-M-7881-2021(O&M)**

-.2:-

4. CRM-M-40657-2020(O&M)

Gurdial Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

5. CRM-M-3105-2021(O&M)

Purnima

..... Petitioner

Versus

State of Punjab

..... Respondent

6. CRM-M-7881-2021(O&M)

Sant Bhupinder Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

Date of decision :-4.3.2021

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

CRM-M-29233-2020(O&M);
CRM-M-24397-2020(O&M);
CRM-M-39764-2020(O&M);
CRM-M-40657-2020(O&M);
CRM-M-3105-2021(O&M); and
CRM-M-7881-2021(O&M)

-:3:-

Present: Mr.G.S. Brar, Advocate
for the petitioner(s) in CRM-M-29233-2020,
CRM-M-40657-2020 and CRM-M-7881-2021.

Mr.Navjot Singh, Advocate
for the petitioner in CRM-M-24397-2020.

Mr.Ranjan Lakhanpal, Advocate
for the petitioner in CRM-M-39764-2020.

Mr.Sunny K. Singla, Advocate
for the petitioner in CRM-M-3105-2021.

Mr.S.S. Brar, Advocate
for the complainant.

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

H.S. MADAAN, J.

Vide this order, I shall dispose of total six petitions, five of which for grant of pre-arrest bail i.e. **CRM-M-29233-2020** filed by petitioner Harwinder Singh, **CRM-M-24397-2020** filed by petitioner Kuldeep Kaur, **CRM-M-39764-2020** filed by petitioner Savita Khanna, **CRM-M-40657-2020** filed by petitioner Gurdial Singh and **CRM-M-3105-2021** filed by petitioner Purnima, all of them being accused in FIR No.114 dated 29.7.2020, under Sections 420, 408, 120-B IPC, registered with Police Station Payal, District Khanna and a petition i.e. **CRM-M-7881-2021** under Section 482 Cr.P.C. filed by petitioner - Sant Bhupinder Singh for re-investigation of the above-said FIR.

CRM-M-29233-2020(O&M);
CRM-M-24397-2020(O&M);
CRM-M-39764-2020(O&M);
CRM-M-40657-2020(O&M);
CRM-M-3105-2021(O&M); and
CRM-M-7881-2021(O&M)

-:4:-

Briefly stated, the facts of the case as per the prosecution story are that complainant Rajender Singh Dhillon, Managing Director, SMS Memorial School, Jarg, resident of 178, Model Town, Jalandhar had submitted a written complaint dated 13.8.2019 against Gurdial Singh, Purnima Sharma, Harwinder Singh, Savita Khanna, Kuldeep Kaur addressed to Director General of Police, which was marked to SSP, Khanna; thereafter it was marked to SP(Headquarters), Khanna, who had conducted the investigation and submitted report to SSP, Khanna, who sought legal opinion and thereafter formal FIR in the matter was recorded. The investigation in the case started.

Apprehending their arrest in this case, petitioners/accused Gurdial Singh, Purnima Sharma, Harwinder Singh, Savita Khanna, Kuldeep Kaur had approached the Court of Sessions seeking grant of pre-arrest bail but their such applications were dismissed by the Court of learned Additional Sessions Judge, Ludhiana. As such, they have approached this Court asking for similar relief by way of filing separate petitions.

Notice of the petitions was given to the respondent - State, who put in appearance through counsel. The complainant has also appeared through counsel.

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

CRM-M-29233-2020(O&M);
CRM-M-24397-2020(O&M);
CRM-M-39764-2020(O&M);
CRM-M-40657-2020(O&M);
CRM-M-3105-2021(O&M); and
CRM-M-7881-2021(O&M)

-:5:-

First coming to petitions for pre-arrest bail **CRM-M-29233-2020** filed by petitioner Harwinder Singh, **CRM-M-24397-2020** filed by petitioner Kuldeep Kaur, **CRM-M-39764-2020** filed by petitioner Savita Khanna, **CRM-M-40657-2020** filed by petitioner Gurdial Singh and **CRM-M-3105-2021** filed by petitioner Purnima.

Vide detailed order of this Court dated 28.10.2020 observing that dispute involved in the case is with regard to management of a school i.e. SMS Memorial Public School, Jarg, District Ludhiana, regarding which litigation is pending, Inspector General of Police, Ludhiana Range was directed to constitute a Special Investigation Team (hereinafter referred to as SIT) within a period of 15 days from the date of order and thereafter SIT was required to probe the matter and submit report within a period of two months thereafter.

In compliance of that order, a SIT was constituted to conduct the investigation, which comprised Ms.Alka Meena, IPS, Senior Superintendent of Police as Chairperson, Sh.Wazir Singh, PPS, Superintendent of Police(Detective), SBS Nagar and Sh.Rajesh Kumar, PPS, Deputy Superintendent of Police (Hq), Ludhiana Rural as Members. The team recorded statements of various persons and perused the record and submitted detailed report running into more than 80 pages. The SIT had recorded statement of complainant - Rajender Singh Dhillon, Principal -

CRM-M-29233-2020(O&M);
CRM-M-24397-2020(O&M);
CRM-M-39764-2020(O&M);
CRM-M-40657-2020(O&M);
CRM-M-3105-2021(O&M); and
CRM-M-7881-2021(O&M)

-:6:-

Gurinderpal Singh, Harvinder Singh (**petitioner in CRM-M-29233-2020**), Savita Khanna (**petitioner in CRM-M-39764-2020**), Kuldeep Kaur (**petitioner in CRM-M-24397-2020**), Gurdial Singh (**petitioner in CRM-M-40657-2020**), Manager/Sewadar - Sant Bhupinder Singh (**petitioner in CRM-M-7881-2021**) and various other persons. The conclusion drawn by the SIT, which is important to be noticed is reproduced as under:

From the entire inquiry it is revealed that SMS Memorial Public School Jarg is run by Guru Nanak Dev Health & Education Society Jarg in which Sant Bhupinder Singh was appointed as Chairman in 2017 and Rajinder Singh Dhillon was M.D. Principal of the school was Gurinderpal Singh. According to Guru Nanak Dev Health & Education memorandum the authority to appoint Principal in the school vested with M.D. Gurdial Singh who was close relative of Sant Bhupinder Singh used to come to gurudwara Jarg. Sant Bhupinder Singh submitted his resignation from the post of Chairman of society on 04-03-2017 which was accepted by the society after the due proceeding. Thereafter Sant Bhupinder Singh and Gurdial Singh had differences with Principal Gurinderpal Singh and management. On that Gurdial Singh alongwith followers of Gurudwara Sahib sacked Principal Gurinderpal Singh from the post of Principal on 16-05-2017 and obtained his signature on resignation. Thereafter Sant

CRM-M-29233-2020(O&M);
CRM-M-24397-2020(O&M);
CRM-M-39764-2020(O&M);
CRM-M-40657-2020(O&M);
CRM-M-3105-2021(O&M); and
CRM-M-7881-2021(O&M)

-:7:-

Bhupinder Singh handed over the control of the school to Gurdial Singh. Thereafter Gurdial Singh by bypassing the rule of society appointed Poornima Sharma in the school. Sant Bhupinder Singh who is Chairman of Baba Daya Singh trust had the knowledge that authority to appoint the Principal in the school is vested with M.D. but he and Gurdial Singh while not considering the rule of the society and required education qualification for the post of Principal appointed Savita Khanna as the Principal of the school and she was given appointment letter from Bhai Daya Singh Trust. The school fees of the students were collected by clerk Harwinder Singh and due to the reason that Savita Khanna was not qualified B.ed. therefore Kuldeep Kaur was appointed as working Principal who kept on marking her presence in the capacity of Punjabi teacher. All these had knowledge of the rules of the society that amount collected in the school is to be deposited to in the bank account of school. But they all by violating the rules of the society the fees from 16-05-2017 to 22-02-2018 was collected in cash and expenses of the school were also incurred in cash. They also did not maintain the record properly. All of them have given different statements in different inquiries in order to save their skins. Therefore Gurdial Singh, Sant Bhupinder Singh, Poornima Sharma, Harwinder Singh, Savita Khanna and Kuldeep

CRM-M-29233-2020(O&M);
CRM-M-24397-2020(O&M);
CRM-M-39764-2020(O&M);
CRM-M-40657-2020(O&M);
CRM-M-3105-2021(O&M); and
CRM-M-7881-2021(O&M)

-:8:-

Kaur who were well aware of the rules of the society and also knowing that school is run by registered society according to established rules have completely ignored it and all of them are held responsible for non maintenance of record of fees together with irresponsible behaviour and embezzlement of amount. Case has been found to be registered on real facts. Therefore it is recommended that challan against above named and anyone else who may be held responsible during further investigation be presented before the Ld. Court.

The SIT comprising senior police officers have submitted a detailed and well reasoned report associating petitioners/accused Gurdial Singh, Purnima Sharma, Harwinder Singh, Savita Khanna, Kuldeep Kaur and Sant Bhupinder Singh regarding their statement containing their versions. It had considered the depositions of other concerned persons also besides the relevant record and then concluded that Gurdial Singh, Sant Bhupinder Singh, Purnima Sharma, Harwinder Singh, Savita Khanna and Kuldeep Kaur while being aware of rules of society and having knowledge that school is being run by registered society according to established rules, ignoring those rules did not maintain record of fees collected from students of the school and showed irresponsible behaviour. They have been held to be guilty of embezzlement of the amounts so collected by them. The

CRM-M-29233-2020(O&M);
CRM-M-24397-2020(O&M);
CRM-M-39764-2020(O&M);
CRM-M-40657-2020(O&M);
CRM-M-3105-2021(O&M); and
CRM-M-7881-2021(O&M)

-:9:-

complaint submitted to the police by the complainant was found to have merit.

Under the circumstances, petitioners/accused Gurdial Singh, Purnima Sharma, Harwinder Singh, Savita Khanna, Kuldeep Kaur are facing serious allegations of having committed various offences including embezzlement of the money belonging to the school.

Pre arrest bail is a discretionary relief and is to be granted in exceptional cases and not in routine. It is meant to save the innocent persons from harassment and inconvenience and not to screen the culprits from arrest and custodial interrogation.

The custodial interrogation of the petitioners/accused Gurdial Singh, Purnima Sharma, Harwinder Singh, Savita Khanna, Kuldeep Kaur is definitely required to effect the recovery of the embezzled amount and to find out as to how the scam was planned and executed and role played by the petitioners/accused and others therein. In case custodial interrogation of the petitioners is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely, which is not called for.

In case of *State represented by the C.B.I. Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268*, Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than

CRM-M-29233-2020(O&M);
CRM-M-24397-2020(O&M);
CRM-M-39764-2020(O&M);
CRM-M-40657-2020(O&M);
CRM-M-3105-2021(O&M); and
CRM-M-7881-2021(O&M)

-:10:-

questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful informations.

Therefore, no case for grant of pre-arrest bail to petitioners/accused Harwinder Singh, Kuldeep Kaur, Savita Khanna, Gurdial Singh and Purnima is made out.

Thus, **CRM-M-29233-2020** filed by petitioner Harwinder Singh, **CRM-M-24397-2020** filed by petitioner Kuldeep Kaur, **CRM-M-39764-2020** filed by petitioner Savita Khanna, **CRM-M-40657-2020** filed by petitioner Gurdial Singh and **CRM-M-3105-2021** filed by petitioner Purnima stand dismissed.

With regard to CRM-1816-2021 in **CRM-M-29233-2020** and **CRM-1859-2021** in **CRM-M-40657-2020** filed on behalf of the complainant for vacation of interim orders dated 28.10.2020 and 8.12.2020, respectively due to the reason that the petitioners in that petitions are violating the conditions of interim bail and misusing the same to pressurize the investigating team as well as the complainant, since the petitions for pre arrest bail filed by such petitioners have been dismissed, such applications have become infructuous and are dismissed as such.

Now coming to **CRM-M-7881-2021** filed by petitioner Sant Bhupinder Singh. The investigation in this case has been carried out by SIT

CRM-M-29233-2020(O&M);
CRM-M-24397-2020(O&M);
CRM-M-39764-2020(O&M);
CRM-M-40657-2020(O&M);
CRM-M-3105-2021(O&M); and
CRM-M-7881-2021(O&M)

-:11:-

comprising senior police officers and the report submitted by them is not found to be suffering from any illegality or infirmity, rather the same is quite detailed and well reasoned. There is no ground for directing re-investigation in the FIR as prayed for by petitioner Sant Bhupinder Singh.

As regards the apprehension expressed by petitioner with regard to physical harm being caused to him by private respondents No.7 to 10, he may approach Senior Superintendent of Police, Ludhiana in that regard and SSP, Ludhiana if finds that the apprehension has got any element of merit then after assessing the threat perception, he may take suitable action in the matter in accordance with law.

With the abovesaid observations, **CRM-M-7881-2021** filed by petitioner Sant Bhupinder Singh stands disposed of accordingly.

(H.S. MADAN)
JUDGE

4.3.2021
Brij

1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**