

CRM-44484-2021 in/and
CRM-M-47060-2021 & CRM-M-51537-2021 -1-

105+205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105 CRM-44484-2021 in/and
CRM-M-47060-2021
Date of Decision: 23.12.2021

Malkit Singh @ Malkiat Singh
.....Petitioner

Vs.

State of Punjab
.....Respondent

205 CRM-M-51537-2021

Harmanjot Kaur
...Petitioner

vs.

State of Punjab
....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. R.M.Sharma, Advocate,
for the applicant-petitioner (in CRM-44484-2021).

Mr. Parminder Singh Sekhon, Advocate,
for the petitioner (in CRM-M-51537-2021).

Mr. M.S.Nagra, A.A.G., Punjab.

Mr. G.S. Nahel, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (ORAL)

By these petitions, the petitioners seek the concession of 'pre-arrest bail', upon FIR No. 108 having been registered at Police Station Longwal, District Sangrur, on 20.09.2021, alleging therein the commission of an offence punishable under the provisions of Section 420 of the IPC

**CRM-44484-2021 in/and
CRM-M-47060-2021 & CRM-M-51537-2021 -2-**

(with Sections 465/466/468/471 of the IPC having been added later).

CRM-44484-2021 in CRM-M-47060-2021

Vide this application, the petitioner in the accompanying petition seeks to place on record a pen drive stated to be containing a conversation between the complainant, Harmanjot Kaur and the petitioner (Malkit Singh). He also seeks to place on record the Aadhar Card of Harmanjot Kaur and her husband, Gurmeet Singh, and a photocopy of the LPG connection card.

Notice in the application.

On the asking of the court, Mr. M.S.Nagra, A.A.G., Punjab, accepts notice on behalf of the respondent-State.

A copy of the application be handed over to learned State counsel by counsel for the petitioner.

The application is allowed subject to all just exceptions and the aforesaid pen drive, and copies of the aforesaid documents, are ordered to be taken on record as Annexures P-5 to P-9 with the accompanying petition.

On 10.12.2021 the following order had been passed by this court (in CRM-M-51537-2021):-

“By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR no.108, dated 20.09.2021, having been registered at Police Station Longowal, District Sangrur, alleging therein the commission of offences punishable under the provisions of Section 420 of the IPC.

Learned counsel for the petitioner submits

that petitioner not having been named in the FIR at all, was sought to be later implicated, with a similar petition before the learned Additional Sessions Judge, Sangrur having been dismissed on 16.11.2021, holding therein that the petitioner was implicated subsequently upon an enquiry conducted by a DSP, stating that she was working as a Clerk in the Army at Sangrur, (that being a statement made before the investigating officer by her co-accused Malkit Singh).

Learned counsel for the petitioner submits that the petitioner is not working in the Army and is a housewife and though her husband is working as a Havaldar in the Army, posted at Bikaner, he is not even posted in any Recruiting Centre.

Without making any comment on the merits of the case at this stage, notice of motion is issued.

Mr. Rana Harjasdeep Singh, DAG, Punjab accepts notice at the asking of the court on behalf of the respondent.

Adjourned to 16.12.2021.

In the meanwhile, upon the petitioner joining investigation within one week, in case she is sought to be arrested, she would be released on bail, on her furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate. She shall also comply with the conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, she would appear before the learned Ilaqa Magistrate immediatly, who would then summon the arresting officer and direct him to join her in investigation, in terms of the order of this court.

*A gazetted officer is directed to file detailed
reply to the petition.*

*To be heard along with CRM-M No.47060
of 2021.”*

Learned State counsel having filed a status report on the last date of hearing, learned counsel for the complainant had submitted that in fact it was wrongly stated by counsel for the petitioner/wrongly recorded by this court on 10.12.2021, that the petitioner was not named in the FIR whereas she is duly named as an accused in the first part of the FIR itself, along with Malkit Singh @ Malkiat Singh (petitioner in CRM-M-47060-2021).

As per the status report filed by the DSP, the petitioner, Harmanjot Kaur, was very much involved in the conspiracy along with her co-accused Malkit Singh @ Malkiat Singh (petitioner in CRM-M-47060-2021), to dupe people of money on the promise of getting them recruited in the Army, with Rs. 64,10,000/- stated to have been paid to them by whose names are given in paragraph 2 of the reply.

Learned counsel for the petitioner in CRM-M-51537-2021 submits that as per the phone recording placed on record by him today, Harmanjot Kaur (petitioner in CRM-M-51537-2021), would be found talking to the complainant as regards money transactions, which would be very strange if she is simply a housewife (as contended).

Though, very strangely, the DSP has stated nothing with regard to whether the petitioner is a clerk in the army or whether her husband was posted in any capacity in the army, however in view of the above and the fact

that statements of a large number of persons are stated to have been recorded under the provisions of Section 161 of the Cr.P.C., implicating the petitioner in this petition (Harmanjot Kaur), as also the petitioner in the connected petition, i.e. Malkit Singh @ Malkiat Singh, I see no ground to entertain these petitions any further, which are consequently dismissed and the interim order dated 10.12.2021 (in CRM-M-51537-2021) vacated.

At this stage, learned counsel for Harmanjot Kaur has submitted that the petitioner in the accompanying petition, along with others, have instituted a civil suit against Harmanjot Kaur and others, wherein all these facts are not mentioned.

Even so, in view of what is stated in the affidavit of the DSP, I see no reason to entertain any of these petitions whereby the petitioners seek to be admitted to anticipatory bail.

It is made clear that no observation made by this court either in this order or any previous order, would be taken into consideration to determine the actual guilt or innocence of the petitioners, all such observations having been made only in the context of a petition filed under the provisions of Section 438 of the Cr.P.C., and naturally, their guilt/innocence would be determined on the basis of evidence gathered/led.

A photocopy of this order be placed on the file of the other connected case.

December 23, 2021

nitin

Whether speaking/reasoned

Whether Reportable

(AMOL RATTAN SINGH)**JUDGE**

Yes/No

Yes/No.