

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

Date of Decision: 08.08.2022

(1) CRM-M-13377-2021

Kamaljit Kaur

....Petitioner

Versus

State of Punjab and another

...Respondents

(2) CRM-M-23821-2021

Sarabjit Singh

....Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. Tanvir Joshi, AAG, Punjab.

Mr. P.S. Bal, Advocate, for respondent No.2/complainant.

HARNARESH SINGH GILL, J.

This order shall dispose of the above noted two petitions as they arise of the same FIR and the allegations against the petitioners are identical in nature.

By way of the aforesaid petitions, the petitioners, who are husband and wife, seek grant of concession of anticipatory bail in case bearing FIR No. 4 dated 06.01.2021 registered under Sections 406, 420, 120-B, 467, 468, 471 IPC, at Police Station Samrala, District Khanna, Ludhiana.

The allegations against the petitioners are that under the pretext and by posing themselves to the agents of M/s Crown Cooperative Society Ltd., they made the complainant invest a total

amount of Rs.9,57,750/- in the said Society; that the said money was the investment done by the complainant in the bank in the name of her daughter as also the compensation amount awarded to her mother-in-law, in lieu of acquisition of the their land; that though the accused had issue a cheque for Rs.2,00,000/- in the name of Kuldeep Kaur, but they did not pay the remaining amount.

Petitioner-Kamaljit Kaur was granted ad-interim bail by a Coordinate Bench of this Court vide order dated 26.05.2021. Thereafter, vide order dated 27.10.2021 passed by the Coordinate Bench, the parties were directed to appear before the District Mediation and Conciliation Centre, Ludhiana, for exploring the possibility of an amicable settlement. However, the Secretary, District Legal Services Authority, Ludhiana, submitted his report dated 29.11.2021 that the mediation between the parties had failed. Thereafter, vide order dated 02.12.2021, the Coordinate Bench was pleased to refer the matter to the Mediation and Conciliation of this Court. But, again the mediation has failed.

In the connected petition i.e. CRM-M-23821-2021, arrest of petitioner-Sarabjit Singh was stayed by a Coordinate Bench of this Court vide order dated 15.09.2021. Thereafter, vide order dated 15.11.2021, the Coordinate Bench of this Court, was pleased to refer the matter to the Mediation and Conciliation Centre of this Court. However, in this case too, the mediation has failed.

Learned counsel for the petitioner would vehemently contend that the petitioners have falsely been implicated; that as a matter of fact, the entire amount has been paid by the petitioners to the complainant; that petitioner-Sarabjit Singh was only an agent in M/s Crown Cooperative Society Ltd., and that Jagjit Singh, Managing Director of the said Company, had given an affidavit deposing that

only he was liable to pay to all the investors. Learned counsel for the petitioners pleads false implication of petitioner-Kamaljit Kaur, merely due to her being wife of petitioner-Sarabjit Singh.

On the other hand, the learned State Counsel and the counsel for the complainant, while vehemently opposing the bail petitions, would cite as instances, the opportunities given to the petitioners to settle the matter at their own asking by this Court, to contend that on the one hand, the petitioners had obtained interim protection and on the other, there was no intention on their part to settle the matter. According to them, the petitioners' bona-fide is questionable and hence, the petitioners deserve no further indulgence from this Court.

I have heard the learned counsel for the parties.

As noticed above, petitioner -Kamaljit Kaur has been enjoying interim protection since 26.05.2021, whereas arrest of petitioner-Sarabjit Singh was stayed vide order dated 15.09.2021. The mediation proceedings between the parties have failed.

The complainant is a widow lady and as per the version contained in the FIR, she had invested her hard earned money as also the money received as compensation by her mother-in-law in lieu of the acquired land. Even a perusal of the FIR would show that before registration of the FIR, an inquiry was conducted by the police and as noticed by the learned Additional Sessions Judge, Ludhiana, while declining the bail application of the petitioners, they did not join the said inquiry proceedings. The petitioners allege that petitioner No.1 was only the agent of the M/s Crown Cooperative Society Ltd., and liability if any, was of the Managing Director of the said Society and not of the petitioners. Thus, it reflects that the complainant has been cheated of a huge amount on the allurements of better returns.

Besides, having availed of numerous opportunities, the petitioners have even failed to show their bona-fide, to pay some amount to the complainant. This clearly shows that the matter was got referred to the Mediation and Conciliation Centre by the petitioners, with a sole motive to delay and linger on the matter.

The facts and circumstances on record coupled with the nature of offence, do not warrant any further indulgence.

Hence, both the petitions are hereby dismissed.

08.08.2022
ds

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No