

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-14908-2022 (O & M)****Date of decision: 30.05.2022**

Harpreet Kaur and ors.

.... Petitioners

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Tarun Sharma, Advocate, for the petitioners.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Sonpreet Singh Brar, Advocate, for the complainant.

JASJIT SINGH BEDI, J. (Oral)

1. The present petition under Section 438 Cr.P.C. is for the grant of the anticipatory bail to the petitioners in a case FIR No.46 dated 04.03.2022 under Sections 420, 120-B IPC 1860 registered with Police Station Dharamkot, District Moga.

2. The brief facts of the case as emanating from the FIR are that one Pritpal Singh son of Karnail Singh got recorded his statement to the effect that his marriage was solemnized with petitioner No.1-Harpreet Kaur, daughter of petitioner No.2-Gurcharan Singh on 01.03.2021. He had been told at the time of marriage that the girl would come back from Canada and would go back soon thereafter. However, after two months of the marriage, the conduct of the family members of his wife-Harpreet Kaur became suspicious. She would leave the matrimonial home alongwith her family members from time to time. Thereafter on an enquiry, he got to know that

family members for committing fraud on the pretext of sending people abroad and due to this reason, she had to appear before various Courts where she was facing trial, and therefore, her family members would take her from time to time. Reference was made to two FIRs i.e. FIR No.147 of 2007 under Section 420, 465, 467, 468, 471 IPC, with Police Station Mallanwala, District Ferozepur and FIR No.2 of 2013 under Sections 420, 120-B IPC, with Police Station Mallanwala, District Ferozepur, registered against petitioner No.1 and her family members. He also referred to a judgment of conviction on similar allegations levelled by one Jaspal Kaur and also the pendency of an appeal in this Court arising out of the judgment of conviction. The said Harpreet Kaur had also changed her name and applied in the D.C. Office, Ferozepur to get a fake passport in the name of Gurpreet Kaur for which yet another FIR had been registered against her. He further stated that she was of the age of 45 years though he had been told at the time of marriage that she is the age of 35 years. He also referred to a complaint made by the petitioners on the police helpline number. 181 at Chandigarh, which was consigned to the records after a recording the statement of petitioner No.1-Harpreet Kaur.

Based on the aforementioned allegations, the present FIR came to be registered against 13 accused, namely, Harpreet Kaur daughter of Gurcharan Singh, Gurcharan Singh son of Tirlok Singh, Gurmeet Kaur wife of Gurcharan Singh, Manpreet Singh son of Gurcharan Singh, Sarabjit Kaur, Sandeep Kaur daughters of Gurcharan Singh, Gurnek Singh @ Neki son of Sham Singh, Ranjit Kaur wife of Gurnek Singh, Manu daughter of Gurnek Singh, Parveen Kaur (intermediator) wife of Kaka Singh, Charno wife of Nirmal Singh, Kaka Singh son of Nirmal Singh, Parveen Kaur's mother

3. The learned counsel for the petitioner submits that petitioner No.1-Harpreet Kaur is the wife of the complainant-Pritpal Singh, petitioner No.2-Gurcharan Singh is the father-in-law of the complainant and petitioner No.3-Manpreet Singh is the brother-in-law of the complainant. Petitioner No.4-Parveen Kaur is said to be the mediator of the marriage. He submits that in FIR No.147 of 2007, a cancellation report was presented and the objection on the same at the instance of Satnam Singh (complainant therein) were dismissed. He further submits that with respect to FIR No.2 of 2013, a cancellation report was filed and has been accepted. He also submitted that no amount of money was paid by the complainant party to the petitioner side at the time of the marriage, and in fact, the dowry articles had been given by the petitioners to the complainant family. The complainant family used to maltreat and harass petitioner No.1-Harpreet Kaur on account of demand of dowry and the present FIR is an outcome of a complaint registered against the complainant at the instance of the petitioners for causing injuries to petitioner No.1. It is contended that the allegations in the FIR are baseless as petitioner No.1 does not have any passport, therefore, there is no question of returning to Canada at all. Even otherwise, pursuant to an interim order of this Court, the petitioners had joined investigation and therefore, their custodial interrogation was not required.

4. The learned counsel for the State, on the other hand, contends that petitioners No.1 to 3 are habitual offenders whereas petitioner No.4 is a mediator of this very marriage, which is a sham transaction. Similar allegations have been levelled against the petitioners No.1 to 3 in the past in which the family members have either been convicted or are under trial, and

investigation does not entitle them to grant of anticipatory bail looking into their criminal antecedents.

5. The learned counsel for the complainant, on the other hand, contends that initially an FIR No.147 dated 24.09.2007 under Section 420, 465, 467, 468, 471, 120-B and 511 IPC, with Police Station Mallanawala, District Ferozepur, was registered on the complaint of one Satnam Singh. During the course of enquiry, a recommendation was made for the presentation of a challan against petitioner No.1 and the stand taken in the present petition that the Trial Court has accepted the cancellation report is not substantiated by any document. In fact, in the said FIR, the allegations were similar to the nature of allegations levelled in the present FIR and Satnam Singh and petitioner No.1 had been deported from Hong Kong as per document (Annexure R-1). On the contrary, an FIR No.31 dated 12.03.2008 under Sections 420, 120-B IPC was registered at the instance of petitioner No.2-Gurcharan Singh against Satnam Singh as a counter-blast to the FIR No.147 of 2007 and Satnam Singh and his family members have been acquitted vide judgment dated 21.05.2018 (Annexure R-3).

An FIR No.2 dated 03.01.2013 at Police Station Mallanwala, District Ferozepur, was got registered by the complainant-Dayal Singh against the present petitioners to the effect that they duped him on the pretext of sending his child to Canada after solemnizing the marriage of Sarabjit Singh son of Dayal Singh with Harpreet Kaur (petitioner No.1 herein). The said FIR is said to have been settled after effecting a compromise.

Petitioner No.1-Harpreet Kaur has also been convicted in proceedings under Section 138 of the Negotiable Instruments Act and a CRR

2806 of 2014 is pending before this Court. A copy of the complaint and status report therein is attached as Annexure R-5.

Petitioner No.1-Harpreet Kaur also filed an FIR No.13 dated 27.01.2009 against her relatives under Sections 365, 452, 506, 148 and 149 with Police Station Mallanwala, in which they have been discharged by the Court at Zira and a revision petition against the said order of discharge has also been dismissed vide judgment dated 21.01.2017 (Annexure R-4).

Petitioner No.1 also issued an affidavit (Annexure R-6) that she would not implicate the complainant and his family members in a false case of dowry as she had done on earlier occasions with other persons similarly situated while leaving the matrimonial home. The learned counsel for the complainant also refers to DDR No.31 dated 10.11.2021 got recorded by the petitioners on the allegations that the family members of the complainant had given beatings to petitioner No.1, wherein, petitioners No.2 and 3 went to the house of the complainant and took her away to Civil Hospital, Zira. This allegation was found to be false by the investigating agency.

6. The learned counsel for the complainant, thus, contends that the petitioner side are either accused in FIRs of similar nature or have effected settlement with the complainants in other cases. In the FIRs in which they are the complainants, the accused therein have been acquitted, and therefore, it clearly establishes that petitioners No.1 to 3 have criminal antecedents, and therefore, are not entitled to the concession of anticipatory bail. So far as petitioner No.4 is concerned, it is contended that she is the mediator of the marriage and knew exactly what was the modus operandi of the petitioners in enticing men who would pay huge sums of money on the basis of the assurance that they would be settled abroad, and therefore, she was also not

7. I have heard the learned counsel for the parties at length.

8. A perusal of the aforementioned facts would show that this is not a simple matrimonial dispute as has been sought to be made out in the petition. The allegations against petitioner No.1 and her family members are serious. Quite apparently it is the modus operandi adopted by the petitioners to dupe persons on the pretext of taking them abroad. Petitioner No.4-Parveen Kaur is a party in equal measure.

9. In view of the conduct and antecedents of the petitioners, they are not entitled to the concession of anticipatory bail. In fact, their custodial interrogation is absolutely necessary in order to bring the investigation to its logical conclusion. Thus, the present petition being devoid of merit is dismissed.

(JASJIT SINGH BEDI)
JUDGE

May 30, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No