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

CRM-M-55536-2022

Date of decision : 01.12.2022

Harpreet Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Hitesh Verma, Advocate for the petitioner.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.172 dated 30.05.2017 registered under Sections 420 and 120-B of Indian Penal Code, 1860 at Police Station Sadar Jagraon, District Ludhiana Rural.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and that during the course of inquiry held prior to registration of the FIR, the petitioner had given a statement in which she had explained in detail as to how she had helped the complainant's son in settling his business and it is the complainant's son who did not properly dedicate himself to the business and that the present dispute has civil trappings. Reference has been made to the FIR in which the stand of the petitioner has also been stated.

This Court has heard learned counsel for the petitioner and has perused the paper book.

The brief facts of the case are that the present FIR was registered on 30.05.2017 on the basis of complaint given by Hakam Singh against four persons, out of which, the present petitioner was stated to be accused No.3. In the FIR, it was alleged that when Bhola Singh (son of the complainant) had gone to America in January, 2014, the present petitioner alongwith accused no.4 had induced the complainant and his son to give accused persons money for investing in business which would give a handsome income/return and petitioner & accused no.4 even telephonically assured that they would take guarantee for the money that would be paid by the complainant and his son and accordingly, a total amount of Rs.1.5 crore was paid by the complainant and his son to the accused persons. During the course of investigation, it was established that the complainant had sent Rs.1 crore to his son Bhola Singh in America through Western Union Money Changer and that Bhola Singh, after withdrawing the said money from his bank account on different dates, had handed over the same to the present petitioner. Tirath Singh, brother of the petitioner had recorded his statement during the course of inquiry conducted prior to registration of the FIR to the effect that money which was sent by the complainant to the petitioner for settling his son (Bhola Singh) was sent in the account of the said Bhola Singh and it was the said Bhola Singh who had further transferred the money into the account of the present petitioner through cheques on different dates. The

said statement of Tirath Singh which, prima facie, shows that it is the present petitioner who is the main accused has been detailed at page 11 (which is part of the FIR) of the paper book. The case of the prosecution is that out of the total amount of Rs.1.50 crore, of which, the complainant and his son have been duped, Rs.1 crore was given to the present petitioner and Rs.50 lacs were handed over to accused-Tirath Singh and Jagdeep Singh, who are the brothers of the present petitioner. The petitioner had applied for concession of anticipatory bail before the Court of Additional Sessions Judge, Ludhiana and the said anticipatory bail was dismissed on 22.04.2019 (Annexure P-2). A perusal of the said order would show that it was specifically noticed by the Additional Sessions Judge, Ludhiana that the petitioner had failed to join the investigation in spite of directions issued by the Court. The objection raised by the learned Additional PP and counsel for the complainant therein to the effect that the petitioner had not joined the investigation in spite of directions of the Court and had not gotten any recovery effected and also to the effect that the allegations levelled against the petitioner were serious and grave in nature and a huge amount of Rs.1.50 crore had been misappropriated by the petitioner and the accused persons, was specifically noticed in the order dated 22.04.2019 passed by the Additional Sessions Judge, Ludhiana (at page 18 of the paper book). The petitioner has filed the present petition seeking concession of anticipatory bail after a period of more than three years and six months since passing of the order dated 22.04.2019 vide which the anticipatory bail application of the petitioner

was dismissed by the Additional Sessions Judge, Ludhiana and has thus, apparently been playing hide and seek with the Court and has been evading her arrest. On a pointed query raised by this Court, learned counsel for the petitioner has fairly stated that the petitioner is residing abroad even now and the said fact is also apparent from the affidavit which is at page 6 of the paper book.

This Court is of the considered opinion that the present petitioner does not deserve the concession of anticipatory bail for the following reasons:-

- i) FIR, in the present case was registered on 30.05.2017 and the petitioner had applied for concession of anticipatory bail in the year 2019 and the same was dismissed vide order dated 22.04.2019, a copy of the said order has been annexed as Annexure P-2 (page 17 of the paper book). A perusal of the said order would show that it was specifically noticed by the Court of Additional Sessions Judge, Ludhiana that the petitioner had failed to join the investigation in spite of specific directions given by the Court and thus, the interim anticipatory bail granted to the petitioner was vacated and the anticipatory bail application of the petitioner was dismissed.
- ii) The petitioner has filed the present petition for anticipatory bail before this Court after a period of more than 3 years and 6 months of the passing of the order dated 22.04.2019, vide which, the anticipatory bail application of the petitioner was dismissed by the Additional Sessions Judge, Ludhiana. No reason has been given for

the said delay.

- iii) Even, the present anticipatory bail petition has been filed by the petitioner while the petitioner is still abroad. The said fact is apparent from the affidavit of the petitioner which is annexed at page 6 of the present petition and has also been fairly admitted by learned counsel for the petitioner. From the abovesaid facts, it is apparent that the petitioner is playing hide and seek with the Court and has managed to evade her arrest for a period of more than five years. The directions passed by the Additional Sessions Judge, Ludhiana had also not been complied with.
- iv) Learned Additional PP assisted by the counsel for the complainant therein had specifically opposed the anticipatory bail application of the petitioner, as has been noticed in the order dated 22.04.2019 (Annexure P-2) passed by the Additional Sessions Judge, Ludhiana, while dismissing the bail application of the present petitioner. Apart from the fact that the petitioner has not joined the investigation nor has got the recovery effected, it had also been highlighted by the learned Additional PP that cheating to the extent of Rs.1.50 crore has been committed by the accused persons, out of which, as per the case of the prosecution, the petitioner had received Rs.1 crore and her brothers Tirath Singh and Jagdeep Singh had received Rs.50 lacs.
- v) The brothers of the petitioner i.e., Jagdeep Singh and Tirath Singh, had not been granted the concession of anticipatory bail and have

been released on regular bail vide orders passed by a Coordinate Bench of this Court on 01.08.2017 after having been in custody since 30.05.2017. The case of the present petitioner cannot be stated to be on a higher pedestal than that of Jagdeep Singh and Tirath Singh.

- vi) A perusal of the inquiry and statements of various persons recorded during the course of inquiry, which was carried out prior to the registration of the FIR, would show that as per the statement of Hakam Singh (page 11 of the paper book), he had sent an amount of Rs.1 crore to his son Bhola Singh which, said Bhola Singh, after withdrawing from the bank, had handed over to Harpreet Kaur (present petitioner). Even as per the statement of co-accused Tirath Singh who is the brother of the petitioner, it had been stated by him that money which was sent by the complainant to the present petitioner Harpreet Kaur was sent in the account of son Bhola Singh who had further transferred it to Harpreet Kaur (present petitioner) and thus, the factum of the present petitioner-Harpreet Kaur having received an amount of Rs.1 crore stands prima facie established during the course of proceedings.
- vii) With respect to the version given by the said Harpreet Kaur-petitioner prior to the registration of the FIR, it would be relevant to note that no document in support of the said version has been annexed along with the present petition. At page 13 of the paper book, the statement of Harpreet Kaur to the effect that the

complainant had sent money into the bank account of his son Bhola Singh and the fact that Bhola Singh had given money to her has been admitted. It is further the case of the petitioner that she had given the said money to one Ram Swadi, owner of the pump, through cheque but no document in support of the said version has been attached. At any rate, it is after taking into consideration the statement of the petitioner that the police, after due investigation, had found that the offences in question have been committed and thus, registered the present FIR.

Keeping in view of the facts and circumstances, this Court of the view that the present petitioner does not deserve the concession of anticipatory bail and accordingly, the present petition is dismissed.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

01.12.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**