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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.2864 of 2023
DECIDED ON: 18th DECEMBER, 2023

KARAMJIT KAUR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Chandan Singh Rana, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

1. On 09.02.2023 the following order was passed:-

“CRM-6153-2023

Allowed as prayed for and documents Annexure A-1 and copy of Aadhar Card of Baldev Krishan Goel are taken on record subject to all just exceptions.

Main case

Brief facts of the case are that co-accused Jagmail Singh who was running a marriage bureau contacted the complainant and assured to arrange a proper match for his son who was interested in going abroad and then payment of 1.5 lakh was made to said Jagmail Singh by the complainant through RTGS in the month of July, 2020 and thereafter, Jagmail Singh suggested some proper match and told that the girl is Canadian born aged about 32 years and then meeting was fixed in the house of co-accused Manpreet Kaur where proposed bride Jaspreet Kaur was also present along with the petitioner and then deal was struck for 30 lakh and Shagun ceremony was performed on 1.7.2021 and even thereafter, certain amount was paid through RTGS to different persons and in total, amount of 10,21,000/- out of the settled amount of 30 lakh was given to different persons but later on, it was found that Jaspreet Kaur is Indian citizen and all the aforesaid ceremonies were found to be sham.

Counsel for the petitioner inter alia contends that the petitioner was having no role to play in the pre marriage ceremonies of the son of the complainant and no amount was

paid to the petitioner as is evident from the allegations made in the FIR and that the petitioner is ready to join the investigation with the police.

The present petition is contested by the State counsel as well as counsel for the complainant.

Counsel for the complainant while referring to Annexure A-1, submits that the petitioner is a habitual offender and is involved in more than 10 criminal cases whose detail is given as Annexure A-1. He further submits that the petitioner is the main master mind behind the entire fraud whereby the complainant was defrauded of 10,21,000/- and even thereafter, more amount was taken by the accused persons from the complainant.

It has been brought to the notice of the Court that with regard to the fraud in question, even one FIR was also got registered by co-accused Manpreet Kaur against the son of the complainant in Police Station Sadar Jagraon and copy of the same is taken on record. After going through the present FIR, it appears that there are no specific allegations that the petitioner received any of the disputed amount through the bank transactions.

Counsel for the petitioner apprised the Court that only two other cases are pending against the petitioner in which she has been granted bail.

In view of above, in case of arrest, the petitioner is directed to be released on interim bail by the IO/Arresting Officer to his own satisfaction till the next date of hearing. The petitioner should join the investigation with the police well in time before the next date of hearing and is to abide by the conditions as envisaged under Section 438(2) of Cr.P.C.

Now be listed on 02.05.2023”

Thereafter, following order was passed:-

CRM-M-2864-2023

Counsel for the petitioner submits that the petitioner has joined the investigation with the police in compliance of previous order of interim bail passed by this Court.

Counsel appearing on behalf of the complainant submits that the petitioner is the main culprit and is also involved in number of other criminal cases of similar nature.

State counsel on instructions from SI Rajdin has not disputed the fact that the petitioner has joined the investigation with the police but is required for further investigation by the police. He prays for time to file detail of other criminal cases which are pending against the present petitioner.

In view of above, the petitioner is hereby directed to join further investigation with the police on 27.5.2023 and 22.6.2023.

Interim order to continue.

CRM-M-8817-2023

CRM-19514-2023

Allowed as prayed for and documents Annexures A-1 to A-4 are taken on record subject to all just exceptions.

Main case

Counsel for the petitioner submits that in compliance of previous order, amount of 2 lakh has been deposited against receipt and even the petitioner has joined the investigation with the police.

Counsel appearing on behalf of the complainant submits that the petitioner is the main culprit and is also involved in number of other criminal cases of similar nature.

State counsel on instructions from SI Rajdin has not disputed the fact that the petitioner has joined the investigation with the police but is required for further investigation by the police. He prays for time to file detail of other criminal cases which are pending against the present petitioner.

In view of above, the petitioner is hereby directed to join further investigation with the police on 27.5.2023 and 22.6.2023.

Interim order to continue.

Now be listed on 29.8.2023.

A photocopy of this order be placed on the file of the connected matter, numbered above.

2. Learned State counsel submits on instructions from ASI Tarsem Singh has stated that pursuant to the order dated 09.02.2023, the petitioner has joined investigation and is no longer required for custodial interrogation. He further submits that the challan already stands presented.

3. In view of above, the interim order dated 09.02.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4. This order should not be treated as "blanket" order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

5. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency, to investigate into the charges against the petitioner.
6. The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act, 1872 in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.
7. It will be open to the police or the investigating agency to move this court for a direction under Section 439 (2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.
8. Petition stands disposed off.
9. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

18.12.2023
mahima

(PANKAJ JAIN)
JUDGE

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