



**IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH.**

**CRM-M-7493-2024**

**Date of Decision:-21.08.2024**

**Manjit Kaur Dhaliwal.**

.....Petitioner.

Vs.

**State of Punjab.**

.....Respondent.

**CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present:- Mr. Amanpreet (A.P.) Singh, Advocate for the Petitioner.

Ms. Ramta K Chaudhary, Deputy Advocate General, Punjab.

Ms. Ramandeep Kaur, Advocate for  
Mr. Monty Goyal, Advocate for the Complainant.

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**JASJIT SINGH BEDI, J.(ORAL)**

The prayer in this petition under Section 438 Cr.PC is for the grant of anticipatory bail in case FIR No.181 dated 22.12.2023 under Sections 420, 120-B IPC registered at Police Station Sadar Raikot Police District Ludhiana Rural, District Ludhiana.

2. The present FIR came to be registered at the instance of Harjinder Singh son of Darbara Singh and reads as under:-

*“ The contents of the FIR No. 181 dated 22.12.2023 u/s 420, 120-B of Indian Penal Code, 1860 registered at Police Station Sadar Raikot Police District Ludhiana Rural District Ludhiana is reproduced hereinbelow:-*

*"Today an application no. 3300-PC-1 dated 03.11.2023 from Harjinder Singh son of Dalbara Singh resident Village Sukhana Tehsil Raikot District Ludhiana alongwith the enquiry report from page number 01 to 108 through hand by S/Ct Jagdev Singh 425 from DPO Jagraon have been received*



by the Police Station. The same is reproduced hereinbelow:-

To

Hon'ble S.S.P. Sahib

Police District Ludhiana (Rural)

*Subject:- Complaint against 1) Manjit Kaur Dhaliwal wife of Sewa Singh (Mobile number 79868-89665, 87288-07275), 2) Amandeep Singh son of Sewa Singh, 3) Parminder Kaur daughter of Sewa Singh resident Sidhwan Kalan Tehsil Jagraon District Ludhiana have committed cheating with the applicant and taking action against them.*

Respected Sir,

*I, Harjinder Singh son of Darbara Singh am resident Sukhana, Tehsil Raikot District Ludhiana and request you for the following:-*

- 1. That the brother Jagtar Singh of the applicant is dead and who has a son Jasjeet Singh who has passed +2 and is interested in moving abroad.*
- 2. That the applicant was in contact with Dhanwant Singh son of Ujagar Singh who informed the applicant about the accused 1,2 and 3 and then they assured that the accused no. 3 has visa of Montreal (Canada) and she will take Jasjeet Singh after solemnizing marriage on which an expenditure of Rs 15,00,000m (Fifteen Lakhs Only) will be spent.*
- 3. That the applicant got the two of them married on 11/01/2020 and on 17/01/2020 the accused no. 3 went abroad (Canada). Thereafter the applicant told the accused no. 1 for putting the file of Jasjeet Singh then he started avoiding/evading and asked for Rs. 2,00,000/- which was paid by cheque no. 258276 PNB Br. Raikot on 06/06/2022 wherein the payment was credited to accused no.1 and again he started avoiding/evading and the topic.*
- 4. That in May 2023 the documents of Jasjeet Singh were sent and the file of the applicant to travel abroad was put in.*
- 5. That thereafter the accused no. 3 told the applicant on phone that his brother is in jail and get my ticket booked for India and she is coming to India. The applicant got the ticket booked for around Rs. 1,50,000/- and she was called back to India. On 08/06/2023 she came back and the accused no. 3 said that she does not have any money to spent and she wants Rs. 1,50,000/- for expenses which was paid by the applicant.*
- 6. That thereafter the accused no. 1 asked for around Rs. 40,000/- (Forty Thousand) for conducting the Akhand Path*



*Sain which was paid by the applicant.*

7. *That on 28/06/2023 the accused no. 3 went back to Canada. Thereafter accused no.3 did not pick up the calls of the applicant nor of Jasjeet Singh and was not replying to the messages. On 12/09/2023 the applicant sent Jasjeet Singh to Canada after booking the ticket and there is no address of accused no. 1 and 3.*

8. *That now when applicant asked the accused for getting the documents for the purpose of P.R. of his nephew Jasjeet Singh then they demanded Rs. 15,00,000/- for the purpose of getting him P.R. Now we have come to know that the above-mentioned accused have committed cheating with Jaspreet Singh resident of Manuke Tehsil Nihal Singh wala District Moga and made an agreement of Rs. 20,00,000/- and have committed cheating with him to an amount of Rs. 6,00,000/-.*

9. *That in the same way, the above-mentioned have committed cheating with Rajandeep Singh son of Jagjeet Singh resident of Amritsar on the pretext of calling him aboard have taken lakhs of rupees and planned of getting him married to accused no.3 is married.*

10. *That the above-mentioned accused in this way are habitual of committing cheating with people and have committed with many people. Therefore you are requested to take appropriate legal action against the abovementioned accused and the amount taken by them be returned to us. I'll be grateful to you. Applicant. Sd/- Harjinder Singh son of Darbara Singh resident Sukhana Tehsil Raikot District Ludhiana Phone no. 94173-36277, 98142- 48953."*

3. The Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case being the mother-in-law of Jasjeet Singh who was married to Parvinder Kaur, the daughter of the petitioner. The allegations stem out of a matrimonial dispute. Civil proceedings were pending between the parties. The husband Jasjeet Singh who had gone to Canada and had returned back. As the petitioner was lady and she was ready to join the investigation she was entitled to the concession of anticipatory bail.



5. The Counsel for the complainant on the other hand contends that the marriage took place on the assurance that the wife would take the husband abroad and a sum of Rs.15 lacs had been spent by the husband on the marriage. Pursuant to the marriage on 11.01.2020 Parvinder Kaur had gone abroad on 17.01.2020 assuring that she would start the process for getting her husband to Canada. However, she refused to do so and instead demanded Rs.2 lacs which was paid through cheque. On return to India she was given a sum of Rs.1.5 lacs and Rs.40,000/- on different occasions. When she returned back to Canada she refused to pick up the phone of her husband Jasjeet Singh and refused to take him to Canada and instead all the accused including the petitioner demanded a sum of Rs.15 lacs for getting him a permanent residency (PR). Other persons namely Jaspreet Singh, Rajandeep Singh, Navjot Singh had been cheated on a similar pretext. As the petitioner was the mother of Parminder Kaur and a party to the commission of the offence she was not entitled to the concession of anticipatory bail.

6. The Counsel for the State while referring to the Status report dated 09.04.2024 contends that the petitioner and her daughter had cheated the complainant and his family of a huge amount of money and a similar modus operandi had been adopted with three other persons, namely, Jaspreet Singh, Rajandeep Singh, Navjot Singh. Therefore, as the petitioner and her family members were habitual offenders, she was not entitled to the concession of anticipatory bail.

7. I have heard learned Counsel for the parties.

8. The Hon'ble Supreme Court in the case of "***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022 Livelaw (SC) 870***", has held that merely because custodial interrogation was not required by itself could not



be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the *prima facie* case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

“ *It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.*

*Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.*

*We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. **There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail”.***



the petitioner and her daughter with a view to cheat the complainant and his nephew Jasjeet Singh solemonized marriage with the assurance that Jasjeet Singh would be taken to Canada. A huge sum of money was spent on the marriage. However, he was not taken abroad. Thereafter a further amount of Rs.15 lacs was demanded to obtain permanent residency for Jasjeet Singh. *Prima facie* the offence stands established. Further, in order to take the investigation to its logical conclusion the custodial interrogation of the petitioner is required, more so when her daughter Parminder Kaur has not joined the investigation and is currently residing abroad.

10. In view of the above, I find no merit in the present petition and the same stands dismissed.

11. However, the observations made hereinabove are only for the purposes of deciding this anticipatory bail petition and the Trial Court is free to adjudicate upon the matter on the basis of the evidence lead before it uninfluenced by any such observations made.

( JASJIT SINGH BEDI )  
JUDGE

August 21, 2024  
Vinay

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |