

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-13558-2024 (O&M)

Date of Decision: 04.07.2024

Harpreet Kaur

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Rishu Mahajan, Advocate for the petitioner

Mr. Rajiv Verma, DAG Punjab

Sandeep Moudgil, J.

Relief

(1). This petition under Sections 438 CrPC has been filed by the petitioner seeking anticipatory bail in case FIR No.233 dated 03.10.2023 under Sections 420/467/468/471/120-B IPC registered at Police Station Maqboolpura, Amritsar.

Facts

(2). As per the allegations in the FIR, it has been alleged by the complainant Sahil that one Constable Gurpreet Singh, Rajwinder Kaur, Harpreet Kaur, Navjot Kaur have taken Rs.12 lakhs from the complainant and his father in order to get secure job of complainant in Punjab Police and that on 16.10.2021 he had met Constable Gurpreet Singh, Rajwinder Kaur, Harpreet Kaur and Navjot Kaur and gave Rs.2,50,000/- cash to them. Thereafter they have showed him copy of the selection list, reflecting the name of the complainant and raised the demand and has blackmailed him that if he did not pay remaining amount, then his name would be deleted from the list. Thereafter rest of the amount has been paid and in the month of March, 2022 at the time of

joining. The petitioner and her mother Rajwinder Kaur sold their properties to get the funds and even deposited certain amounts in the account of Amandeep Kaur and also issued fake letter of appointment.

Submission by the petitioner

(3). Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that no offence is made out against her as she herself is victim at the hands of other accused persons who had duped her of the money on the pretext of getting job for her. He further asserted that as per the prosecution story, the money was paid by the complainant in the house of petitioner but the story was subsequently changed by the prosecution to involve the present petitioner by alleging that she is the beneficiary from the amount paid by the complainant.

(4). It is argued that rather the petitioner was duped by accused namely Jatinder Singh as he was paid by the petitioner for securing job for herself, whereas the petitioner had paid money to accused Jatinder Singh for securing the job after selling her property. He submits that the Investigating agency has not even investigated the matter thoroughly as the petitioner, her mother as well as her Cousin Sister have also been duped.

(5). Further, it has been urged that Constable Gurpreet Singh who is equally responsible and has been named in the FIR, has been given a clean chit by the prosecution stating that no amount has been transferred in his account totally ignoring the fact that the petitioner had also given Rs.4,50,000/- in the account of Amandeep Kaur which itself proves the fact that the amount was given by her for her daughter to be recruited in Police.

State's contention

(6). Learned State counsel opposed the prayer made by the counsel for the petitioner on the ground that in a fact finding inquiry conducted by the senior rank official of ACP rank, the name of the accused namely Balraj Singh alias Jatinder Singh came into picture, who as per other accused persons is posted as DSP in Delhi police and has good relations with higher officials in Punjab Police and entire amount has been paid to the said accused persons and further, the said accused Balraj Singh alias Jatinder Singh used to get huge amount from the common person on the pretext of getting them recruited in police regarding which there are complaints also and the present petitioner played a pivotal role, being main accused with regard to involvement and commission of offence and as such, she does not deserve any concession by this Court.

Analysis

(7). This Court vide order dated 15.03.2024 granted time for counsel for the petitioner if the parties are ready to settle the matter by returning the amount to the tune of Rs.2,50,000/- and in pursuance thereto, the petitioner denied her role in toto and even denied of having received any amount out of said transaction but was ready and willing to deposit Rs.1 lakh in case she is granted interim protection. As such, vide order dated 20.03.2024, the petitioner was granted interim bail subject to her depositing Rs.1 lakh in the name of the complainant. However, the said order has not been complied with.

(8). It is undeniable that the entire amount was paid by the complainant in the shape of cash to petitioner - Harpreet Kaur, Rajvinder Kaur and Navjot Kaur and some of the amount was paid/transferred, at different times, in the account of Rajvinder Kaur and petitioner-Harpreet Kaur and as

such a total amount of ₹12,00,000/- has been paid and fake and forged joining letter has been issued in the name of the complainant, in Punjab police.

(9). In the fact finding enquiry also, name of accused Jatinder Singh alias Balraj Singh has also figured out, being the person, who has alleged himself to be in Delhi police as DSP and that other accused persons used to transfer the amounts in the account of other persons and two accused persons namely Deepak Kumar and co-accused Amandeep Kaur have been arraigned on the basis of said report.

(10). Taken into consideration the totality of the circumstances and the fact arising out in the present case, prima facie, it cannot be denied that the complainant has been duped for huge amount on the false pretext of securing job in Punjab Police which all the more becomes grave when the complainant has attributed specific role to all the other accused persons especially the petitioner and as such, there is no valid ground available for this Court to interfere and grant the concession of anticipatory bail to the petitioner.

(11). Dismissed.

04.07.2024
V.Vishal

(Sandeep Moudgil)
Judge

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes/No
Yes/No