

2024:PHHC:097696



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

208

CRM-M No.26501 of 2024
Date of decision: 30.07.2024

Manpreet Singh and another ... Petitioners

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Rakesh Gupta, Advocate,
for the petitioners.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been jointly filed by the petitioners seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
54	17.04.2024	Nihal Singh Wala, District Moga	420 and 120B of IPC

2. The aforementioned FIR has been registered against the petitioners and the co-accused on the basis of a written complaint filed by the complainant Satwinder Singh alleging therein that his elder son Arshdeep Singh was aspirant to settle in Canada and wanted to get married to some girl who had passed IELTS course. He alleged that his

2024:PHHC:097696



cousin Jagdev Singh told him that accused Jashanpreet Kaur who was resident of Village Issewal had already deposited her fees for studying in some college in Canada and she was waiting for arrival for her Visa in Canada. Jagdev Singh also facilitated the meeting of the complainant with accused Jinderpal Singh, Amarjeet Kaur and Gurdeepak Singh who while representing that the accused Jashanpreet Kaur was their daughter and they had paid a sum of Rs.17 lacs for her admission to some college at Canada, agreed for performing her marriage with the son of the complainant subject to payment of a sum of Rs.17 lacs to them. It was also told by them that they wanted to send their daughter Navjot Kaur Dhaliwal to America. Demand of a sum of Rs.13 lacs in advance was raised and it was told to the complainant that the date of marriage of his son with Jashanpreet Kaur would be fixed on receipt of Visa. Jagdev Singh acted as middle man. A formal ceremony was performed between them in Gurudwara Nanaksar Sahib, Jagraon and thereafter the complainant and his family on visiting the house of Jashanpreet Kaur had given clothing, gold ring and some money by way of shagun to her. On asking of the accused persons, an amount of Rs.9 lacs was transferred by him in the bank account of accused Jinderpal Singh. On 04.05.2023 another amount of Rs.4 lacs was transferred in his bank account. Within a short span of time, the accused persons made the complainant spend another amount of Rs.40,000/-. Subsequently the complainant came to know that Jashanpreet Kaur was not the daughter but niece of accused

2024:PHHC:097696



Amarjeet Kaur and also that the accused Jashanpreet Kaur had got engaged four times previously and had been duping several persons of money on the pretext of going abroad with them and agreeing to perform marriage with them. On reporting the matter to the police, the accused promised to return the money of the complainant to him. On 18.09.2023, an agreement was executed by the accused Jinderpal Singh and the petitioners who are son-in-law and daughter respectively of accused Jinderpal Singh to return the money taken by them from the complainant by 18.10.2023. The petitioner Manpreet Singh took guarantee for return of that money. However, the same was not given back to the complainant. On registration of FIR, investigation proceedings have been initiated and are underway. Apprehending their arrest, the petitioners moved a joint application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Moga vide order dated 14.05.2024.

3. It is relevant to mention here that vide order dated 28.05.2024 the petitioners were directed to join the investigation and it is submitted by learned State counsel that they have joined the same on 02.07.2024.

4. Status report has been filed by the respondent-State. It is argued by learned State counsel that the petitioners who are brother-in-law and sister respectively of accused Jashanpreet Kaur formed a gang with her and other family members of accused Jashanpreet Kaur. They used to play fraud with innocent people by making promise to solemnize

2024:PHHC:097696



marriage with Jashanpreet Kaur and take their sons abroad and used to extract money from them. In pursuance of their conspiracy, the co-accused Jinderpal Singh had extracted an amount of Rs.13,70,000/- from the complainant. It is argued that since the petitioners along with the co-accused Jinderpal Singh had entered into a compromise with the complainant thereby promising to return the amount of money taken from him but failed to do so, therefore, recovery of the abovesaid amount as well as for proper investigation of the matter, the custodial interrogation of the petitioners is must. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record.

6. The petitioners are son-in-law and daughter, respectively, of the accused Jinderpal Singh. As per the allegations, the petitioners and co-accused hatched conspiracy to cheat innocent public persons on the pretext of sending their son(s) abroad by marrying Jashanpreet Kaur daughter of the main accused and by causing wrongful loss to them by taking money from them on that pretext and then by not doing the needful. The main allegations against the petitioners are that they were signatories to an agreement entered into between the accused Jinderpal Singh and the complainant and his son. A copy of this agreement has been placed on record as Annexure P-3 which shows the petitioners to be

2024:PHHC:097696



signatories as attesting witnesses to this document. Therefore, it cannot be stated that they were the persons who had executed agreement Annexure P-3 in favour of the complainant party. It is not the allegation against the petitioners that they had received any money from the complainant or any inducement was made from their side to extract money from the complainant. They have already joined investigation. No recovery is to be effected from them as they were not recipient of any amount of money from the complainant. No useful purpose would be served by detaining them in custody in view of the nature of the allegations as levelled against them. As such, I am of the considered opinion that the petition deserves to be allowed. The same is allowed and the order dated 28.05.2024 granting interim bail to the petitioners is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

30.07.2024

manju

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No