



101 IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRM-M-34960-2024  
Date of decision: 24<sup>th</sup> July, 2024

Tara Rani  
Versus  
State of Punjab  
...Petitioner(s)  
...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Dilmrig Nayani, Advocate for the petitioner.  
Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

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MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 438 of Cr.P.C.  
seeking anticipatory bail in the FIR mentioned below:-

| FIR No. | Dated      | Police Station                      | Sections                           |
|---------|------------|-------------------------------------|------------------------------------|
| 44      | 07.06.2024 | Kiratpur Sahib,<br>Rupnagar, Punjab | 406, 420 and 120-B of IPC,<br>1860 |

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR has been registered on the basis of a written complaint filed by the complainant Joga Singh alleging therein that a case bearing FIR No. 38 dated 30.03.2021 under Section 379 of IPC and Section 192 of the Motor Vehicles Act, 1988 (for short ‘the MV



Act') was registered against his son on false allegations, which is pending in the Courts at Sri Anandpur Sahib. The petitioner and her husband who are his relatives represented to him that they could get his son acquitted by approaching the victim party. They induced him to part with a sum of Rs. 5,50,000/- for this purpose. However, even after receiving that amount, neither the son of the complainant got acquitted nor the money was returned. The complainant then convened a panchayat meeting in his village on 25.02.2023, wherein due to intervention of panchayat, the petitioner and her husband agreed to give back a sum of Rs. 3,50,000/- to the petitioner and also executed a compromise in this regard but still the money was not returned. Rather the petitioner and her husband extended threats to kill the complainant and even tried to throw him in river on 06.01.2024 when he was going towards Kiratpur Sahib. After registration of FIR, investigation proceedings have been initiated and are under way. Apprehending their arrest, the petitioner and her husband had moved an application for pre-arrest bail before the Court of Additional Sessions Judge, Rupnagar which was dismissed vide order dated 20.06.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by her counsel that she has been falsely implicated in this case. The ingredients for commission of the offences under Sections 406 and 420 of IPC have not been attracted against her. A compromise was got signed from her under duress and in a fraudulent manner and she had challenged the same by filing a civil suit which is pending before the Court



of Civil Judge, Sri Anandpur Sahib. The petitioner had no part to play in the commission of subject offences. No recovery is to be effected from her. She is ready to join the investigation. Her custodial interrogation is not required. Her husband i.e. co-accused has since been extended benefit of regular bail. With these broad submissions, it is urged that the petition deserves to be allowed.

4. *Per contra*, learned State counsel who has advance notice of the petition submits that he is ready to argue the matter. It is submitted by him that there are specific allegations against the petitioner that she in connivance with her husband duped the complainant of a sum of Rs. 5,50,000/- on the pretext of getting the son of the complainant acquitted by talking with the victim party and giving money to them. Therefore, there was dishonest intention on her part to deceive the complainant. Her custodial interrogation is required. Money is to be recovered from her as in a compromise signed by her, she along with her husband had agreed to return the money. No extra ordinary circumstance has been made out for grant of pre-arrest bail. Hence, it is urged 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 carefully.

6. The petitioner in connivance with her husband is alleged to have induced the complainant to part with a sum of Rs. 5,50,000/- on the



pretext of getting his son acquitted in a criminal case registered against him. She is also alleged to have signed a compromise to return an amount of Rs. 3,50,000/- to the complainant. Annexure P-4 is copy of order dated 12.07.2024 passed by the Illaqa Magistrate showing that the co-accused i.e. husband of the petitioner has been arrested and had subsequently been extended benefit of regular bail. However, no recovery has been effected from him. There are specific allegations against the petitioner qua committing offence of cheating with the complainant and causing wrongful loss of a sum of Rs. 5,50,000/- to him. For conducting thorough investigation in the matter, the custodial interrogation of the petitioner is must. Moreso, it is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The powers of anticipatory bail are extraordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discussion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional



circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been dismissed, pending application if any is rendered infructuous.

[MANISHA BATRA]  
JUDGE

24<sup>th</sup> July, 2024  
Parveen Sharma

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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable         | : | Yes / No |