

IN THE HIGH COURT OF PUNJAB & HARYANA

AT CHANDIGARH

Date of decision: 26th February, 2024

1.

CRM-M-38672-2023

Parwinder Singh

...Petitioner(s)
- Versus
- State of Punjab

...Respondent(s)
2.

CRM-M-38474-2023

Sukhpal Kaur and another

...Petitioner(s)
- Versus
- State of Punjab

...Respondent(s)
3.

CRM-M-35917-2023

Ashwani Kumar

...Petitioner(s)
- Versus
- State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Deepak Gupta, Advocate for the petitioners.
Mr.A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

This common order shall dispose of above mentioned three petitions for grant of anticipatory bail as they are similar in nature and have arisen out of the same FIR, details of which are given as follows:-

FIR No.	Dated	Police Station	Sections
23	31.01.2019	City Faridkot, District Faridkot	365, 384, 354, 354-A, 342, 148, 149 of Indian Penal Code, 1860 (for short 'IPC')

2. Brief facts relevant for the purpose of disposal of these petitions are that the aforementioned FIR was got registered on the basis of statement recorded by the complainant Narender Purewal on 31.01.2019, alleging

therein that she was NRI from Canada but was staying in India for the last about one and half year. One Master Parampal Singh who was running a marriage bureau and was known to her, had told her to inform if any girl interested for matrimonial alliance from Canada came to India, as he had to send one of his young relatives abroad by marrying him with some NRI girl. She alleged that about two and half years back, Manpreet Dhaliwal daughter of Sukhdev Singh who was also an NRI from Canada, had come to India, had called her and on her offer, she came to Jalandhar to visit the complainant. The complainant had introduced Manpreet Dhaliwal to Master Parampal and with the Mediation of the same, the marriage of Manpreet Dhaliwal took place with the petitioner Parminder Singh (infact Parwinder Singh) about two years back. She alleged that about one year back, she was informed by master Parampal Singh that the in-laws family of Manpreet Dhaliwal was not interested to keep her with them as some videos of her had gone viral. She alleged that the family of the petitioner-Parwinder Singh and master Parampal Singh started pressurizing her to get Manpreet Dhaliwal divorced with the petitioner and they alleged that they had deposited an amount of rupees nine-ten lakhs in cash in bank account of Manpreet Dhaliwal and had spent much more money over her.

3. The complainant further alleged that on 29.01.2019, she alongwith her friend's daughter Mankirat Kaur was going towards the house of her relative Kamalpreet Kaur, in her Swift car at about 1:00 PM, when her car was intercepted by two Scorpio cars and she was compelled to stop her vehicle. The present petitioners and five six other unknown persons who

were armed with baseball bats and sticks alighted from those vehicles, surrounded the complainant and smashed her car with baseball bats. The complainant was pulled out from the car by Sukhwinder Kaur. Mankirat Kaur was also thrown out. They were taken to the house of the petitioners and were extended beatings and were tortured. She alleged that she was molested and her cheque book was forcibly taken out from her purse from where five cheques were taken out and her signatures were forcibly obtained by extending threats to her. Signatures of Mankirat Kaur were also obtained on some plain papers and it was only on 30.01.2019 at about 4:00 PM, that they were thrown out alongwith her car. She had gone to Kamalpreet Kaur and informed the incident to her. On the basis of this complaint, FIR was got registered. Investigation proceedings are initiated and are going on.

4. These petitions have been filed by the petitioners on the grounds and it is argued by their counsel, that infact the complainant is a person of criminal antecedents and is indulged in trade of defrauding people. She is running a racket whereby she gets the marriages of innocent boys solemnized with some girls on the pretext that those girls are non resident Indians and then extract huge amounts of money from the families of boys. It is argued that the petitioners and their family members were also cheated by the complainant in the similar manner. She got the marriage of petitioner- Parwinder Singh solemnized with Manpreet Dhaliwal @ Parveen Kaur by representing that she was an NRI and on that pretext, an amount of ₹35,00,000/- was taken from his family. Later on, they came to know that the above named Manpreet Kaur Dhaliwal was not an NRI and she was

already got married by the complainant with several other persons and about 17-18 FIRs were registered against her. It is submitted that when the petitioners and their family members demanded their money back from the complainant, then she had given some cheques in the name of father of the petitioner-Parwinder Singh with assurance that she will return the amount of money taken from them. The said cheques were, however, dishonored. The father of the petitioner-Parwinder Singh had also filed a complaint under Section 138 of Negotial Instruments Act, 1881 and an FIR bearing No. 45 dated 22.03.2019 registered under Sections 420, 465, 467, 468, 471 read with Section 120-B of IPC at Police Station Sadar, Faridkot against the complainant and the co-accused. It is also submitted that no incident as alleged by the complainant had ever taken place and a false story was concocted. Previously investigation was conducted by a police officer of rank of SSP, Faridkot, the petitioners had joined the investigation and it was found that a false case was registered against them. Even a cancellation report was also prepared and the matter got investigated again due to influence of the complainant and statement of Mankirat Kaur who had earlier recorded a version that no occurrence had taken place as well as master Parampal Singh had also recorded so and on the basis of which, the petitioners are tried to be falsely implicated in this case. It is submitted that their custodial interrogation is not required. No useful purpose would be served by detaining them in custody. Infact they are the victims at the hands of the complainant. They are ready to join the investigation. Therefore, it is argued that the petitions deserve to be allowed.

5. Learned counsel for the respondent-State has filed Status report, as per which, as many as six criminal cases have been registered against the complainant making allegations of cheating and fraud etc. and in one of such cases, she has even been convicted. It is also submitted that after registration of the FIR, the statement of Mankirat Kaur who was an eye-witness to the alleged incident had been recorded, who had stated that no occurrence had taken place and on the basis of same, a cancellation report was prepared. However, the said report could not be presented in the Court as the complainant was confined in jail in connection with case FIR No. 45 dated 22.03.2019. It is further submitted that 03.01.2023, the complainant had filed another application before the police for conducting further inquiry and during the course of that inquiry Mankirat Kaur had recorded her statement supporting the version of the complainant. It is also stated that some of accused had already joined the investigation. Learned State counsel has admitted that in compliance of order of this Court, Ashwani Kumar (petitioner in CRM-M-35917-2023) has joined investigation on 08.08.2023 and Sukhwinder Kaur @ Sukhpal Kaur @ Anju and Hina Rani (petitioners in CRM-M-38474-2023) have joined investigation on 09.09.2023.

6. I have heard learned counsel for the petitioners as well as learned State counsel at considerable length and have gone through the record carefully.

7. The petitioners are alleged to have formed membership of an unlawful assembly on 29.01.2019 and in pursuance of common object of that unlawful assembly, they are alleged to have abducted the complainant

and Mankirat Kaur, are alleged to have wrongfully confined them and to have outraged the modesty of the complainant and are further alleged to have extorted five cheques from her after forcibly procuring her signatures. The petitioners have joined the investigation. The record reveals that the complainant herself is a person of criminal antecedents. It is also revealed that previously even cancellation report had been prepared in the matter as the eye-witness had stated that no occurrence as alleged had taken place and it is only after a gap of four years that the inquiry was initiated again. Since, it is not the version of the prosecution that any recovery is to be effected from the petitioners, their custodial interrogation is as such not required. Therefore, taking an overall view of facts and circumstances, I am of the considered opinion that orders directing the petitioner to join investigation and to admit them to interim bail deserve to become absolute. Accordingly, without making any comment on the merits of the case, the present petitions are allowed and the petitioners are granted concession of anticipatory bail, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

8. Since the main petitions have been allowed, pending application if any is rendered infructuous.
9. Photocopy of this order be placed on the files of connected cases.

[MANISHA BATRA]

JUDGE

26th February, 2024

Parveen Sharma	1. Whether speaking/ reasoned	:	Yes / No
	2. Whether reportable	:	Yes / No