



212

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-37426-2024

Date of Decision: September 11, 2024

**RINKY ALIAS MANPREET KAUR ALIAS TANVEER KAUR ALIAS
RICKY**

....Petitioner(s)

VERSUS**STATE OF PUNJAB**

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sukhveer S. Killianwali, Advocate
for the petitioner.

Mr. J.S. Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J.(ORAL)

1. Relief Sought

The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked seeking the concession of regular bail for the petitioner in FIR No.37 dated 15.05.2023, under Sections 420, 120-B IPC, registered at Police Station Sadar Malaut, District Sri Muktsar Sahib.

2. Prosecution story set up in the present case as per the version in the FIR read as under :-

"To, S.S.P. Sahib, Shri Muktsar Sahib. Subject:- For taking legal action against Manpreet Kaur, Satwinder Singh (brother), Yadwinder Singh (brother), Prabhjit Singh Army Officer Ambala (maternal uncle (mama)) for committing fraud of Rs. 7,50,000/ (Rupees Seven Lac Fifty Thousand Only) on the pretext of marriage. Sir, Requested that 1,



Gurnam Singh son of Pritam Singh am resident of Village Aulakh, Tehsil Malout, District Shri Muktsar Sahib. That I had spoken with mediators Dharampal Singh son of Surjit Singh resident of Goniana, District Bathinda and Subhash Singh (Preet) son of Baaj Singh resident of Kehar Singh Dian Dhanian, District Shri Muktsar Sahib about fixing matrimonial match of my son Kulwinder Singh with Manpreet Kaur resident of Phagwara. In respect to this, I had taken one affidavit from mediator whose copy is attached herewith. Satwinder Singh (Aadhar Card No. 8637-3211-5213) son of Jaswinder Singh resident of Street No. 1, Mohalla Bhagatpura, Phagwara, District Kapurthala had received Rs. 7,50,000/- (Rupees Seven Lac Only) from me for expenses of marriage. Phone call of Manpreet Kaur had come at my Mob. No. 80542-75030 from Satwinder Singh's Mob. No. 98782-63009. Afterwards, Manpreet Kaur spoke with us by dialing Subhash Singh's Mob. No. 78370- 73920 through call conference and I have its recording with me. Afterwards, Manpreet Kaur said that Satwinder Singh has grabbed Rs. 4,00,000/- and recover Rs. 4,00,000/- from him. I made phone calls to Satwinder Singh continuously for four-five days and on dt. 14.02.2022 he deposited Rs. 4,00,000/- in my account. Afterwards, Manpreet Kaur said through call conference that Satwinder Singh is not happy with this marriage and my maternal uncle (mama) is Army Officer at Ambala whose mobile number is 81462-13691. Then call came from his phone and he said that Satwinder Singh is my nephew, all of us are together and we shall perform wedding ceremony with huge pomp and show, you need not worry. Army Officer made call at my phone and said that Manpreet Kaur has to do shopping and she need Rs. 70,000/- (Rupees Seventy Thousand Only). His son Yadwinder Singh Mob. No. 88475-36164 collected Rs. 70,000/- from me and I have its recording with me, which I shall produce when required. Army Officer made phone calls to me for three-four days. Army Officer said to me that now date of marriage has been fixed, Satwinder Singh had deposited Rs. 4,00,000/- in your account and you pay that amount of Rs. 4,00,000/- to us in cash. I said to him that your son has collected Rs. 70,000/- and you collect cheque(s) of Rs. 3,00,000/- from me. He said that time is very short, you withdraw and give cash as we have to book marriage palace at Moga.



Then he fixed the date of marriage on dt. 05.03.2022 and Army Officer's son Yadwinder Singh and his mother visited our house with shahi-chithi and collected Rs. 3,00,000/- cash from me. I have this recording also with me. That I have with me the call recordings of all conversations held with them. Next day we made phone calls to them but neither Army Officer nor his son Yadwinder Singh answered our phone calls and they put our phone numbers in blacklist. Then we said to mediators that they are not answering our phone calls. When Pammi mediator (vicholan) Mob. No. 79865-90629 made phone calls to above mentioned persons even then they did not answer the phone calls. I have very good record in village. As I have only one son I did not go out of house and am merittally upset and I stay home as I am not well and it has become difficult for me to go out of house and my relatives shall give taunts to me. I am also facing financial crunch. Requested that enquiry of my complaint be marked to any senior officer and my reputation/dignity be kept in mind and necessary legal action be taken against Manpreet Kaur, Satwinder Singh, Yadwinder Singh and Army Officer as said by Manpreet Kaur. Complainant: Sd/- Gurnam Singh son of Pritam Singh resident of Village Aulakh, Tehsil Malout, District Shri Muktsar Sahib, Mob. No. 80542-75030, 73077-76168."

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Subhash son of Baaj Singh resident of Village Chak Banwala, District Fazilka gave statement that, "Gurnam Singh son of Pritam Singh resident of Village Aulakh has given one complaint against Manpreet Kaur, Satwinder Singh, Yadwinder Singh and Army Officer in respect to committing fraud of Rs. 7,50,000/- (Rupees Seven Lac Fifty Thousand Only) with him. I and Dharampal Singh son of Surjit Singh resident of Goniana, District Bathinda used to do work of mediating in matrimonial matches. Above mentioned Gurnam Singh had contacted us to find suitable matrimonial match for his son Kulwinder Singh and hence we had introduced Gurnam Singh with Ritu Bhatia and her brother Pammi. Ritu Bhatia and Pammi further introduced Gurnam Singh etc. with Manpreet Kaur and her brother Satwinder Singh. Manpreet Kaur's brother Satwinder Singh said to Gurnam Singh etc. that Manpreet Kaur is resident of Canada, therefore you have to pay Rs. 15,00,000/- to



Manpreet Kaur and him for marriage. Gurnam Singh etc. agreed to pay Rs. 15,00,000/- to Manpreet Kaur, Satwinder Singh, Ritu Bhatia and Pammi. Gurnam Singh etc. paid Rs. 70,000/- to son of maternal uncle (mama) of Manpreet Kaur. Thereafter, Gurnam Singh etc. paid Rs. 7,00,000/- to Satwinder Singh, Manpreet Kaur, Ritu Bhatia and Pammi. Out of this amount, Rs. 2,00,000/- was paid to me and Dharampal Singh for working as mediators. After receiving money Manpreet Kaur stopped answering Gurnam Singh's and our phone calls. Many times we tried to contact Manpreet Kaur, Satwinder Singh, Pammi, Ritu Bhatia but they neither answered our phone calls nor agreed to our requests. Later on we came to know that the real name of Manpreet Kaur is Rinki wife of Rajan Kumar resident of Mahil Gehla, District Shaheed Bhagat Singh Nagar. I and Dharampal Singh are ready to return Rs. 2,00,000/- to Gurnam Singh which was paid by him. We shall pay this amount to Gurnam Singh within two months. Now we have come to know that Manpreet Kaur @ Rinki, Satwinder Singh, Pammi and Ritu Bhatia are habitual of committing fraud with people on the pretext of marriage. Manpreet Kaur Rinki, Satwinder Singh, Pammi, Ritu Bhatia and maternal uncle of Manpreet Kaur @ Rinki who call himself Army Officer in connivance with each other have committed fraud with Gurnam Singh." Dharampal Singh son of Surjit Singh resident of Goniana, District Bathinda gave statement that, "I knew Subhash Singh son of Baaj Singh resident of Kehar Singh Dian Dhanian, who do work of mediating in matrimonial matches. He said to me that he has offered matrimonial match of Manpreet Kaur @ Tanvir Kaur resident of Phagwara, who is P.R. of Canada, to Kulwinder Singh son of Gurnam Singh son of Pritam Singh resident of Aulakh and he asked me to help him in this matrimonial match. Therefore, I along with Subhash Singh had met Gurnam Singh once-twice. At the instance of Subhash Singh, I alongwith Subhash Singh had attended programme at the time of shagun of Kulwinder Singh and Manpreet Kaur at both venues at Ludhiana and Phagwara. Now I have come to know that some dispute has arisen between Gurmeet Singh etc. and girl's side. I do not know anything about this dispute. I had attended programme at the time of shagun at the instance of Subhash Singh only. I also do not know whether girl's



family members have received money from Gurnam Singh or not and they have monetary dealings with Subhash Singh only. I do not know anything about their monetary dealings. I had attended programmes of shagun with Subhash Singh due to friendly relations with Sarwan Singh.

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Conclusion Report: 12. From enquiry conducted by me till date, statements of both parties, presented documents, photos, video and CDR/CAF of mobile numbers it is found that Ritu Bhatia wife of Sunil Kumar, Satwinder Singh son of Ajit Singh resident of Pakka Darwaja, Goraya, District Jalandhar, Rinki @ Manpreet Kaur wife of Rajan Kumar resident of Village Mahil Gehla, Nidhi wife of Avinash Kumar resident of Goraya, Prabhjit Singh son of Inderjit Singh resident of Urban Estate, Phagwara and Parminder Singh @ Pammi resident of Boparai have formed a gang and they extort money from innocent people on the pretext of marriage and then commit fraud. Complainant Gurnam Singh had spoken with Satwinder Singh son of Jaswinder Singh resident of Bhagatpura, District Kapurthala through Subhash son of Baaj Singh resident of Village Chak Banwala, District Fazilka and Dharampal Singh son of Surjit Singh resident of Goniana, District Bathinda about his son Kulwinder Singh's matrimonial match. Satwinder Singh etc. lied to complainant that Rinki @ Manpreet Kaur is P.R. of Canada and demanded money for fixing this matrimonial match. Whereupon, respondent party Ritu Bhatia etc. performed engagement of Rinki @ Manpreet Kaur with complainant's son Kulwinder Singh, whereas, Rinki@ Manpreet Kaur was already married with Rajan Kumar son of Harmesh Lal resident of Mahil Gehla on dt. 12.10.2013 and she has 02 children also. Despite this, Rinki played drama of doing engagement with complainant Gurnam Singh's son and Ritu Bhatia wife of Sunil Kumar, Satwinder Singh son of Ajit Singh resident of Pakka Darwaja, Goraya, District Jalandhar, Nidhi wife of Avinash Kumar resident of Goraya in connivance with each other took complainant Gurnam Singh and his family into their confidence. Photos of engagement ceremony are attached herewith. Satwinder Singh received Rs. 7,50,000/- from complainant Gurnam Singh by taking him in confidence and in respect to this he also tendered his notary attested affidavit. Afterwards, differences



developed between Satwinder Singh and Ritu Bhatia, Rinki @ Manpreet Kaur etc and out of Rs. 7,50,000/ Satwinder Singh returned Rs. 4,00,000/- to Gurnam Singh. Thereafter, Rinki Manpreet Kaur asked Gurnam Singh to make phone call at Mob. No. 81462-13691. (This Mob. No. 81462-13691 is being used on the name of Prabhjit Singh son of Inderjit Singh resident of Urban Estate, Phagwara). Whereupon, Prabhjit Singh Mob. No. 81462-13691 firstly received Rs. 70,000/- and second time Rs. 3,00,000/- (total Rs. 3,70,000/-) from complainant Gurnam Singh on the pretext of his son's marriage. Prabhjit Singh son of Inderjit Singh resident of Urban Estate, Phagwara and Parminder Singh @ Pammi resident of Boparai have also received money from complainant Gurnam Singh on the pretext of his son's marriage. Mediators Subhash and Dharampal have also received Rs. 1,80,000/- from complainant Gurnam Singh in lieu of fixing his son's matrimonial match and they also have not returned complainant's money till date. After receiving money, respondents stopped answering phone calls of complainant nor did they perform his son Kulwinder Singh's marriage. Afterwards, complainant's son Kulwinder Singh died on dt. 08.05.2022. Notice were issued to respondent party to join enquiry of this complaint, but respondents Ritu Bhatia, Nidhi, Satwinder Singh, Prabhjit Singh and Parminder Singh @ Pammi did not come at this office nor they have submitted any reply/ defence statement. Respondents Ritu Bhatia etc. in connivance with each other have indeed committed fraud with complainant Gurnam Singh on the pretext of solemnizing his son Kulwinder Singh's marriage with P.R. girl of Canada. Therefore, action should be taken against them. From enquiry conducted till date respondents Ritu Bhatia wife of Sunil Kumar, Satwinder Singh son of Ajit Singh resident of Pakka Darwaja, Goraya, District Jalandhar, Rinki @ Manpreet Kaur @ Tanvir Kaur wife of Rajan Kumar resident of Mahil Gehla, (Nawanshahr), Nidhi wife of Avinash Kumar resident of Goraya, Prabhjit Singh son of Inderjit Singh resident of Urban Estate, Phagwara, Parminder Singh @ Pammi resident of Boparai, Subhash son of Baaj Singh resident of Village Chak Banwala, District Fazilka and Dharampal Singh son of Surjit Singh resident of Goniana, District Bathinda are found to have committed fraud with complainant Gurnam



Singh on the pretext of his son's marriage. Order may be issued to SHO PS Sadar Malout to register FIR against them under sections 420, 120-B IPC, if approved. Report submitted please. Sd/- Balkar Singh PPS Deputy Superintendent of Police, Sub-Divn. Malout Date 21.04.2023.'

3. **Contentions**

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. He contends that version as narrated in the FIR is concocted and the petitioner has no concern with the alleged offence. He further contends that the fact of the previous marriage of the petitioner and her having two children out of the said wedlock was already in the knowledge of the complainant and his family. Learned counsel for the petitioner submits that one co-accused namely Dharampal Singh has also been granted the concession of regular bail by the Coordinate Bench of this Court vide order dated 18.08.2023 passed in CRM-M-39611-2023 (Annexure P-3). He further submits that no other case is pending against the present petitioner meaning thereby she is not a habitual offender.

On behalf of the State

On the other hand, learned State Counsel appearing on advance notice, accepts notice on behalf of respondent-State and has filed the custody certificate of the petitioner, which is taken on record. According to which, the petitioner is behind bars for almost 05 months 09 days.

Learned State Counsel on instructions from the Investigating Officer opposes the prayer for grant of regular bail but is not in a position to controvert the submissions made by counsel for the petitioner. He informs the



Court that in the present FIR, challan stands presented on 20.05.2024 but the charges are yet to be framed.

4. Analysis

From the above case it can be culled out that investigation is complete and no fruitful purpose would be served by detaining the petitioner behind the bars any further keeping in view the peculiar facts and circumstances of the case and as per the principle of the criminal jurisprudence, no one should be considered guilty, till the guilt is proved beyond reasonable doubt, whereby in the instant case, challan stands presented on 20.05.2024 and charges are yet to be framed also out of 20 prosecution witnesses, none has been examined yet which is sufficient for this Court to infer that the conclusion of trial is likely to take considerable time and detaining the petitioner behind the bars for an indefinite period would solve no purpose.

Reliance can be placed upon the judgment of the Apex Court rendered in “***Dataram versus State of Uttar Pradesh and another***”, 2018(2) ***R.C.R. (Criminal) 131***, wherein it has been held that the grant of bail is a general rule and putting persons in jail or in prison or in correction home is an exception. Relevant paras of the said judgment is reproduced as under:-

“2. A fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a



correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society.

3. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case.

4. While so introspecting, among the factors that need to be considered is whether the accused was arrested during investigations when that person perhaps has the best opportunity to tamper with the evidence or influence witnesses. If the investigating officer does not find it necessary to arrest an accused person during investigations, a strong case should be made out for placing that person in judicial custody after a charge sheet is filed. Similarly, it is important to ascertain whether the accused was participating in the investigations to the satisfaction of the investigating officer and was not absconding or not appearing when required by the investigating officer. Surely, if an accused is not hiding from the investigating officer or is hiding due to some genuine and expressed fear of being victimised, it would be a factor that a judge would need to consider in an appropriate case. It is also necessary for the judge to consider whether the accused is a first-time offender or has been accused of other offences and if so, the nature of such offences and his or her general conduct. The poverty or the deemed indigent status of an accused is also an extremely important factor and even Parliament has taken notice of it by incorporating an Explanation to section 436 of the Code of



Criminal Procedure, 1973. An equally soft approach to incarceration has been taken by Parliament by inserting section 436A in the Code of Criminal Procedure, 1973.

5. To put it shortly, a humane attitude is required to be adopted by a judge, while dealing with an application for remanding a suspect or an accused person to police custody or judicial custody. There are several reasons for this including maintaining the dignity of an accused person, howsoever poor that person might be, the requirements of Article 21 of the Constitution and the fact that there is enormous overcrowding in prisons, leading to social and other problems as noticed by this Court in In Re- Inhuman Conditions in 1382 Prisons, 2017(4) RCR (Criminal) 416: 2017(5) Recent Apex Judgments (R.A.J.) 408 : (2017) 10 SCC 658

6. The historical background of the provision for bail has been elaborately and lucidly explained in a recent decision delivered in Nikesh Tara chand Shah v. Union of India, 2017 (13) SCALE 609 going back to the days of the Magna Carta. In that decision, reference was made to Gurbaksh Singh Sibbia v. State of Punjab, (1980) 2 SCC 565 in which it is observed that it was held way back in Nagendra v. King-Emperor, AIR 1924 Calcutta 476 that bail is not to be withheld as a punishment. Reference was also made to Emperor v. Hutchinson, AIR 1931 Allahabad 356 wherein it was observed that grant of bail is the rule and refusal is the exception. The provision for bail is therefore age-old and the liberal interpretation to the provision for bail is almost a century old, going back to colonial days.

7. However, we should not be understood to mean that bail should be granted in every case. The grant or refusal of bail is entirely within the discretion of the judge hearing the matter and though that discretion is unfettered, it must be exercised judiciously and in a humane manner and compassionately. Also, conditions for the grant of bail ought not to be so strict as to be



incapable of compliance, thereby making the grant of bail illusory.”

Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as is the mandate of the Apex court in “Hussainara Khatoon and ors (IV) v. Home Secretary, State of Bihar, Patna”, (1980) 1 SCC 98. Besides this, reference can be drawn upon that the pre-conviction period of the under-trials should be as short as possible keeping in view the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence, reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.

5. **Decision:**

In view of the discussions hereinabove, the petitioner is hereby directed to be released on regular bail under Section 439 Cr.P.C. on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

In the afore-said terms, the present petition is hereby allowed.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

11.09.2024
Sangeeta

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No