

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

106

CRM-M-62139-2024

DATE OF DECISION: 11.12.2024

ANGREJ SINGH

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Surinder Garg, Advocate for the petitioner(s).
Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)1. Relief Sought

This petition has been filed 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking grant of anticipatory bail in F.I.R. No. 188 dated 29.08.2024 under sections 419/420/465/467 468/471/120-B IPC, 1860 registered at Police Station City Kotkapura, District Faridkot.

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

‘Today an application No. 1217-PC-8/24 dated 02.07.2024 by Virpal Kaur etc. Mobile: 90410-29108, against Rupinder Kaur Wife Gurmail Singh Resident House No. 498, Hari Nau Road, Kotkapura, Nirmala Rani wife of Krishna Lal, Raj Kumar son of Krishna Lal Residents of Village Giljewala, District Sri Muktsar Sahib, Rajni Bala wife of Raj Kumar Resident of Village Giljewala, District Sri Muktsar Sahib, Inderjit Kaur wife of Dharamvir Singh Resident of Machaki Mall Singh Road, Guru Teg Bahadur Nagar, Faridkot, after investigation Deputy Superintendent of Police Sub- Division Faridkot, after comment



Superintendent Police (PBI and Inve:) Faridkot upon orders of Hon'ble Senior Superintendent Police Faridkot was received at Police Station for registration of case, the contents of which are as under: "To, Hon'ble SSP Sahib, Punjab Police Faridkot, complaint against (1) Nirmala Rani (Mobile. 98788- 90067) wife Krishna Lal, Rajni wife Raju Kumar (Mob. 90412- 17201) (3) Raju Kumar S/o Krishna Lal r/o Chaoprean wala Bagh Gali No. 5 Kotkapura District Faridkot. (4) Parveen Kaur alias Inderjit Kaur alias Bandu, wife of Bittu Fauji Sahota alias Dharamvir Singh (Mob. 91154-72625, 98760-02190, 85570- 86253, 76961-78172, 77102-84952, 98783- 09064 resident of Machaki Mall Singh road, Teacher Colony Street No.4 Near Gurdwara Sahib Ishar Prakash District Faridkot (5) Manpreet Singh (Mob. 94170-28076) son of not known (6) Angrez Singh alias Bantu son of Seera Singh (7) Seera Singh (Mob. 77102-84952) s/o not known r/o V. Marar, Tehsil and Distt. Faridkot (8) Duggal and Amarjit Kaur (9) Rupinder Kaur (Mob. 82849-26620) w/o Mela Singh regarding fraud of Rs. 80 lakh. Sir, regarding the above subject I request that I am Virpal Kaur wife of Sh. Gurmeet Singh resident Dashmesh Nagar Jalalabad District Fazilka etc. That I met Nirmala Rani abovesaid at some wedding, who described herself as a finance worker. As I needed money, I agreed to take a loan from her side. Upon which she told me about the loan given by the Modi government and said that for this you have to make about 50 members and all of them will get a loan from the government. 43 members were made and 60 lakh rupees were collected by all of us and deposited in different accounts of the persons under the said subject, the proof of which is available with us, and I am ready to present it as evidence on the spot. After which we have been harassed by the persons under the said subject for almost 2 years and they kept lingering on and neither our loan pass nor our principal amount is being refunded to us. We were deceived by the abovesaid and they asked for one and a half lakh rupees per person to pass the loan and then we gathered our relatives and some friends and with that we have got 43



members together, to whom they had to get the loan passed. Among them, few were very poor and they could not pay this money at the first instance, and then as the money was being collected, Nirmala Rani, wife Krishna Lal, kept coming and taking money from our house from time to time as we sold the combine and in this way also gave some money from our accounts, thus kept on depositing about 45 lakh rupees in their accounts online. Accounts in which 94171-39364, Manpreet Singh's account 94170-28076, Devinder Kaur Brar and 70557-57354, Sanjeev Kumar 98721-13974, Vijay Kumar (the details of which we can present as evidence. And then these persons kept on linger on us for almost 2 years, and we are having their phone recordings and we can present it as evidence. From this, the money of some persons has been returned by Veerpal Kaur at her own level by selling her house and articles of her house. Apart from me and 43 members, some other persons have been cheated by them of around Rs. 20 lakhs. Abovesaid persons now are threatening us and no one is picking up our phone. Abovesaid persons are now absconders and we do not know their whereabouts and the addresses given by them where they were staying, now they are not available there. Please take strict action against abovesaid persons as they had made a gang and had cheated different persons for amount of about Rs. 80 lakhs and for deceiving us and our money be got returned. We all members belong to poor families and this amount is too big for us, due to which we are suffering financially and mentally. So please take action against abovesaid persons as soon as possible and our claim be satisfied. We shall be very grateful. Applicant Sd/-Virpal Kaur etc., Mob. 90410-29108, 80547-09800, 62394-84081, 96463-71921, 90412-42404 dated

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has submitted that the present case is based upon the documentary evidence and there is no allegation



against the petitioner regarding the fraud allegedly committed. He further submits that the real culprit is Veerpai Kaur but she has managed to get free by falsely implicating the petitioner, therefore, the petitioner deserves the concession of anticipatory bail.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from ASI Gurmain Singh vehemently opposes the prayer for grant of concession of anticipatory bail stating that Rs. 43 lakhs have been credited in the bank account of the petitioner.

4. **Analysis**

Be that as it may, as far as contention of the State Counsel regarding recovery of Rs.43 lakhs is concerned that amount is deposited in the account of the petitioner which can be recovered from him or can be taken into possession by seizing the account and for that purpose custodial interrogation of the petitioner is not required. Hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **Decision**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of



Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of which are reproduced below :-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’*

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

11.12.2024
anuradha

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