

**IN THE COURT OF SH. PUNEET MOHAN SHARMA
ADDITIONAL SESSIONS JUDGE, HOSHIARPUR
UID NO. PB0167**

CIS No. BA/2996/2023
CNR No. PBH001009395-2023
Date of order: 31.10.2023

Rekha Gaday aged 48 years wife of Jagtar Singh Gaday resident of Ram Colony Camp, Qila Baroon, District Hoshiarpur.

.....Applicant-Accused

Versus

State of Punjab

..... Respondent.

FIR No. 122 dated 23.10.2023
U/s 406,420 of IPC
Police Station: Hariana Distt. Hoshiarpur.

(FIRST APPLICATION U/S 438 CR.PC FOR ANTICIPATORY BAIL)

Present: Sh. Mandeep Singh Khera Advocate, for applicant-accused.
Sh. Varinder Kumar Public Prosecutor for the State.

ORDER:

1. This order of mine shall dispose of an application filed by the applicant/accused for grant of anticipatory bail in the above noted case.
2. As per case of prosecution in brief, the present case was registered on the statement of complainant Maya Devi wife of Late Harcharan Singh, wherein she stated that her husband Harcharan Singh died in the year 2009 at Behrin. On 18.10.2023 at about 10:30 AM Sanjiv Kumar @ Kaka s/o Tek Chand alongwith his wife Rekha came to their house and told

that they are agent of insurance company and her husband had a life insurance policy of Rs. 15 lakhs at Bahrain, which has been matured and they demanded I.D proof of her husband so that insurance amount be given to them. They also demanded Rs. One lakh as commission. On believing the words of above said persons he gave photocopy of passbook of her husband. Thereafter on the asking of above said Sanjiv Kumar and his wife they transferred about Rs. 90,000/- in the account of Sanjiv Kumar and his wife on different dates and they said that the insurance amount has been transferred in her account but she could not receive any message from the bank regarding the receipt of amount. Thereafter on 22.10.2023 Sanjiv Kumar again made a phone call and demanded more money, after which they came to know that said Sanjiv Kumar and his wife have cheated them. On inquiry they also came to know that the accused have also cheated one Sukhwinder Kaur wife of Jarnail Singh and others. On these allegations present FIR was registered against the accused. Now apprehending her arrest the applicant-accused has filed the present application for pre-arrest bail.

3. It is argued by the learned counsel for applicant-accused that the applicant has not committed any offence as alleged and he has been falsely implicated in the present case. The allegations in the FIR are false and baseless. He has further contended that the applicant is not the wife of co-accused. She neither took any money from the complainant nor she had promised the complainant to help her to get any claim. He has further

contended that the custodial interrogation of the applicant-accused is not required in this case and she is ready to join investigation.

4. On the other hand, learned Public Prosecutor for the State has argued that the applicant-accused alongwith his co-accused have cheated the complainant for a huge amount and to ascertain the role of applicant in this crime her custodial interrogation is required.

5. I have heard learned counsel for the applicant-accused as well as Learned Public Prosecutor for the State and perused the record meticulously.

6. As per allegations, the applicant-accused alongwith her co-accused approached the complainant with the promise that they would help her in order to get the insurance claim of her husband who had died in Bahrain and for this purpose they induced her to pay about Rs. 90,000/- vide different transactions but they could not get transfer the insurance amount in the account of complainant and as such they have cheated the complainant. It is version of the learned Public Prosecutor that the custodial interrogation of the applicant-accused is required to reach at the logical conclusion in the investigation and also for recovery of the amount given by the complainant. So, in view of prima facie allegations of cheating against the applicant-accused and further in view of the seriousness of allegations, gravity of offence, for proper investigation of the case, this court is of the view that the custodial interrogation of the applicant is required to ascertain the truth and unearth the nexus of all those involved in this serious crime. Hence, no ground is made out to grant the concession of anticipatory bail to the applicant-

accused. As such the bail application filed by the applicant-accused stands dismissed.

7. The observations made by this Court while deciding this bail application are only for the limited purpose of adjudication of the present bail application and, as such, are not to be construed as an expression on the merits of the case (criminal trial). Police record be returned and file of bail application be consigned to record room.

Announced in open Court:

Dated: 31.10.2023.

kulvinder JW

**(Puneet Mohan Sharma),
Additional Sessions Judge
Hoshiarpur/(UID No.PB0167).**