

In the court of Amarjot Bhatti, Sessions Judge, Hoshiarpur.
(UID PB0019)

Bail application No.204, dated 12.8.2022,
(CIS No.BA 1924-2022),
CNR No.PBHO010056712022,
Date of decision: **23.08.2022.**

Amarjit Kaur alleged by police as Bhola, aged 52 years, wife of Jagtar Ram, resident of Panchhta Ma Bhulli Ghumari Darbar, Police Station Sadar, Phagwara, District Kapurthala, at present residing in her parents house at Village Panchhta, Police Station Sadar, Phagwara, District Kapurthala.

....Accused/applicant.

Versus

State of Punjab,

...Respondent.

FIR No.139, dated 25.7.2022,
Under sections 420, 406 IPC,
Police Station Mahilpur, District Hoshiarpur.

(Application for anticipatory bail)

Present: Shri Haneer Azad, counsel for the applicant/accused.
Shri Pawanpreet Singh, Addl.PP for the State.

ORDER

Amarjit Kaur has filed this application seeking pre arrest bail in FIR No.139, dated 25.7.2022, under sections 420, 406 IPC, Police Station Mahilpur, District Hoshiarpur.

2. As per the facts of the case, Rachhpal Singh son of Boota Singh filed written complaint bearing No.3321-SSP, dated 28.8.2021 to the Senior Superintendent of Police, Hoshiarpur against Jagtar Ram son of Parkash Ram, Bhola wife of Jagtar Ram, Billu son of Jagtar Ram and Preeti daughter of Jagtar Ram with the allegations that his younger brother Jaspal Singh, who died on 29.7.2021, was a Painter. In the month of March 2017 Jaspal Singh started paint work of Dera Darbar Mai Bhulli Ghumari, Panchhta, which was being run by Jagtar Ram, who told him that he was sending people abroad and

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in case any of his family member wanted to go abroad, he could send him abroad. Jaspal Singh told him that his brother Rachhpal Singh was interested in going to Canada. In March 2017 Jagtar Ram alongwith his wife Bhola, son Billu and daughter Preeti came to his house at village Majar Dhingrian and demanded ₹15 Lakh for sending him to Canada and in case they could not send him, they would return the money. He told about this to his father Boota Singh who was serving in the Army at Srinagar (J&K). His father mortgaged his house with DHFL in the sum of ₹15 Lakh and gave him blank cheque so that he could withdraw money lateron for going abroad. The complainant withdrew about ₹2 Lakh on 31.5.2017 vide cheque No.348944. When he asked the bank authorities that he wanted to withdraw ₹8 Lakh, they replied that such a big amount cannot be handed over to any other person except the account holder. He told about this to Jagtar Ram, who asked him to hand over the cheque to him and he will withdraw the amount himself. After that Bhola, Billu and Preeti came to their house and received ₹2 Lakh in cash alongwith cheques bearing No.348945 and 348943. On 2.6.2017 they transferred ₹8 Lakh in their account through cheque. The other cheque bearing No.348943 was given to them so that they could transfer ₹5 Lakh more as DHFL authorities were not ready to transfer ₹15 Lakh collectively in the account of his father. On 7.6.2017 the complainant withdrew ₹1½ from the account of his father, which were also received by the accused. ₹2 Lakh were withdrawn by him on 5.7.2017. The amount of ₹3½ Lakh was paid to the accused in the month of July 2017 in the presence of Gurdial Ram, Sandeep Kaur and Ram Pal. The accused showed him one visa of Canada, but when he put the said visa on tracking ID, the same was found to be fake. He requested Jagtar Ram and his

family to send him abroad, but they put off the matter by saying that he should wait for some time. Despite lapse of period of 3 years he has not been sent abroad. On 26.9.2020, when he asked the accused either to send him abroad or return the money, they gave him one month time, but the accused instead of returning the amount, by presenting blank cheque No.348943, sent notice to his father. After payment of ₹15 Lakh, he **had** demanded back the said cheque from the accused, but they told him that the same was misplaced. He believed the accused being the Head of a religious Dera. An agreement was executed with Jagtar Ram, in which Jagtar Ram agreed to return ₹4 Lakh on 27.7.2021 and ₹5 Lakh on 9.9.2021 and have withdrawn the case filed against his father, but they have backed from their promise and have not returned any amount. Legal action be taken against the accused and their amount be refunded to them. Police conducted enquiry and registered a case under sections 420, 406 IPC against Jagtar Singh and his wife Bhola.

3. The counsel for the applicant argued that she has been wrongly named as Bhola. She has nothing to do with the facts stated by Rachhpal Singh. She is falsely involved in this case as she is wife of co-accused Jagtar Ram. She is living separately from her husband in her parental house in village Panchhtan, Police Station Sadar, Phagwara, District Kapurthala. Her husband has renounced the world and has become the Mahant of Dera Ma Bhulli Ghumari Darbar, Police Station Sadar, Phagwara. This case has been lodged only to harass her. The counsel for the applicant has placed on record one writing dated 7.7.2017 as well as copy of one complaint filed by Jagtar Ram against Buta Singh under section 138 of the Negotiable Instrument Act, photo copy of cheque signed by Buta Singh in favour of Jagtar Ram and copy of

legal notice is also placed on record. She is ready to join the investigation. It is prayed that her anticipatory bail application may be allowed.

4. Bail application is opposed by the Addl. Public Prosecutor.

5. I have gone through the record. The present applicant is specifically named. She alongwith her co-accused had received huge amount on the pretext of sending Rachhpal Singh to Canada. There is reference of huge cash amount as well as cheque received from time to time. The perusal of police file shows that after thorough enquiry the present case has been registered against Jagtar Ram, who is already arrested and his wife Bhola i.e. the present applicant. The bank statement of account and the compromise/agreement effected in this connection are also on the record. So far as the complaint filed by Jagtar Ram against Boota Singh is concerned, the same is pertaining to one cheque dated 29.9.2020, which is a separate case to be decided on merits. So far as the present case is concerned, the same is pertaining to other huge amounts which were given from time to time in the year 2017. Considering the gravity of offence, I do not find a fit case for anticipatory bail and the same is accordingly declined. Police record be returned with copy of order. Bail application file be consigned to the record room.

Announced.

Date of order: **23.8.2022**
Anil Kumar, E.A

(Amarjot Bhatti),
Sessions Judge, Hoshiarpur.
(UID No.PB0019)

(Amarjot Bhatti)
Sessions Judge, Hoshiarpur.