

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-5029-2015

Date of decision: 19.03.2015

Jagjit Kaur and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

PRESENT: Mr. Ranjit Saini, Advocate for the petitioners.

Mr. Gazi Mohd., DAG, Punjab.

R.P. NAGRATH, J.

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail to petitioners, namely; Jagjit Kaur and Prabhjit Singh in FIR No. 131 dated 30.8.2014 registered under Sections 406/420/120-B of the Indian Penal Code (IPC) at Police Station Mattaur, District SAS Nagar, Mohali. Petitioner No. 1-Jagjit Kaur is the sister of petitioner No. 2-Prabhjit Singh.

I have heard learned counsel for the petitioners, learned State counsel and carefully gone through the record.

Learned counsel for the petitioners submits that the allegations were mainly against Paramjit Kaur, mother of the petitioners but petitioners have also been falsely roped in to involve the entire family and put pressure upon them.

FIR No. 131 dated 30.8.2014 for offences under Sections

406/420/120-B IPC was registered on the complaint made by complainant Sukhdev Singh to the police on 23.03.2013 after thorough enquiry. The facts stated in the FIR are that the complainant-Sukhdev Singh came into contact with Paramjit Kaur and Jagjit Kaur-petitioner No. 1 herein as both the them met him near IVY Hospital, Mohali and they assured the complainant that he along with his daughter would be sent to New Zealand for starting good business. An amount of ₹ 4,30,000/- was taken for the tickets and on 03.05.2011 they were sent to Indonesia. When they reached Indonesia, son-in-law of Paramjit Kaur took the victims at a distance of about 100 Kms. away from Jakarta Airport and they were kept detained in a room and he did not allow them to go out of the room. It is with the assistance of Embassy that the complainant and his daughter were able to return to India on 21.09.2011. On return to India, the complainant contacted Paramjit Kaur for refund of the amount but she refused to pay back the money. The total amount paid by the complainant was ₹14 lacs.

From the allegations levelled in the FIR and the above discussion, it is quite clear that Paramjit Kaur, mother of the petitioners and petitioner No. 1-Jagjit Kaur had met the complainant when the talk of sending him and his daughter abroad took place, therefore, allegations against petitioner No. 1-Jagjit Kaur are quite serious as she is similarly situated to Paramjit Kaur. The amount having not been returned, she does not deserve to be released on pre-arrest bail.

Petitioner No. 2-Prabhjit Singh is the member of family but there is no direct allegation against him though his name was also

cropped up during investigation. Paramjit Kaur was arrested on 18.10.2014 and granted the concession of regular bail by this Court vide order dated 18.12.2014 passed in **CRM-M-42503-2014**.

In the facts and circumstances of the case, I am of the opinion that it is a fit case to grant anticipatory to petitioner No. 2-Prabhjit Singh. He is directed to appear before the Investigating Officer within one week and join the investigation. In the event of arrest of petitioner No. 2-Prabhjit Singh, he be admitted to interim bail by the Investigating Officer/Arresting Officer to his satisfaction. He shall join the investigation as and when called upon by the Investigating Agency and co-operate in the investigation of this case. He would also abide by all the conditions as envisaged by Section 438 (2) Cr.P.C.

In case, petitioner No. 2-Prabhjit Singh failed to do so, the concession granted to him by this order shall automatically stands vacated.

For the reasons stated above, the instant petition qua petitioner No. 1-Jagjit Kaur stands dismissed and qua petitioner No. 2-Prabhjit Singh is allowed.

March 19, 2015

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**(R.P. NAGRATH)
JUDGE**