

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

Sr. No.203

CRM NO. M-13227 of 2016

DECIDED ON: August 23, 2016

MEERA TIWARI AND ANOTHER

..PETITIONERS

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Ashu Kaushik, Advocate,
for the petitioners.

Mr. P.S. Paul, DAG, Punjab.

JASPAL SINGH, J. (ORAL)

This is a petition preferred by the petitioners under Section 438 Cr.P.C. seeking pre-arrest bail in case FIR No. 49, dated March 10, 2016, under Section 420 of IPC and Section 13 of Punjab Prohibition of Human Trafficking Act, 2012 Amended Act, 2014, registered at Police Station Civil Lines, Patiala.

While issuing notice of motion, following order was passed by a coordinate Bench of this Court on April 19, 2016:-

“The petitioners, being the husband and wife , are running a firm under the name and style of Future Birdies Immigration Consultants, Patiala.

FIR No. 49 dated 10.03.2016, under Sections 420 IPC and 13 of the Punjab Prohibition of Human Trafficking Act, 2012, has been registered at Police Station Civil Lines, Patiala against them on the statement of complainant-Seema

Sharma. The allegation is that in response to an advertisement issued by the petitioners, she approached them for sending her to Canada under MPNP Scheme. In this regard, a sum of Rs.5,00,000/- was paid to the petitioners through cheques, details whereof find mentioned in the FIR. Even written agreement was executed between the complainant and the petitioners at Chandigarh. However, the petitioners did not send the complainant to Canada as per agreement, hence they defrauded her. Learned counsel for the petitioners states that the immigration of the complainant could not be arranged because the complainant did not fulfil the eligibility criteria. He states that the communication received by the petitioners in this regard from the concerned office at Canada, was duly conveyed to the complainant and as such there was no fault on their part. Further the matter had earlier been compromised between the complainant and the petitioners. As per compromise, the sum of Rs.5,00,000/- was to be returned to the complainant. Unfortunately, the cheque issued in this regard, could not be encashed because of some difficulty at the end of the petitioners.

Learned counsel for the petitioners states that they are ready and willing to return the amount of Rs.5,00,000/- to the complainant. He states that two drafts bearing No.224176 and 224175 amounting to Rs.2.5 lacs each in the name of the complainant have been got prepared. Photocopies thereof are taken on record as Mark 'A' and Mark 'B' respectively.

Notice of motion for 12.05.2016.

In the meanwhile, in the event of arrest, the petitioners shall be released on interim bail to the satisfaction of the Arresting Officer, on furnishing bail bonds of the adequate sum, subject to the compliance of the conditions contained in Section 438(2) Cr.P.C.”

On instructions from ASI Gurmej Singh, learned State counsel has submitted that the petitioners have already been joined the investigation.

Otherwise, it has been submitted that the parties have already been

compromised the matter and a petition seeking quashing of FIR in question has already been moved.

Taking into consideration the above facts of the case, instant petition is allowed. Interim order dated April 19, 2016 is made absolute, subject to the conditions, as envisaged under Section 438(2) Cr.P.C.

August 23, 2016

Ankur

**(JASPAL SINGH)
JUDGE**

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No