

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

CRM-M-12022 of 2016

Date of Decision: May 26, 2017

Devinderjit Kaur and another

..Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Kanwar Sanjiv Kumar, Advocate
for the petitioners.

Mr. Gurvir Sidhu, AAG, Punjab.

FATEH DEEP SINGH, J.

The present petition qua petitioner No-2 Balwant Singh has already been withdrawn vide order dated 23.08.2016.

The allegations against the petitioner No.1 Devinderjit Kaur in this anticipatory bail application under Section 438 Cr.P.C are that accused Neena Sharma is a travel Agent with whom accused-petitioner was a sub-Agent known to another sub-Agent accused Sandeep Kaur and the latter acquaintance of the complainant had represented the complainant that she will manage the migration of the sons of the complainant Navdeep Singh and Bhupinder Singh and her brother in law to a foreign Country and for which demanded Rs.20 lacs. It was at the office of the accused the complainant met the petitioner who had disclosed him that their company was known by the name of M/s Guru Kirpa Enterprises and on the basis of

this assurance the complainant gave their passports, documents, photographs along with Rs.20 lacs to all the accused and on 16.10.2010 the petitioner told the complainant to reach Delhi Airport from where they will be taken to Canada but at the Airport nothing transpired. Subsequently the petitioner is alleged to have instrumental in issuing two cheques each of Rs.10,00,000/- which was subsequently dishonoured leading to registration of the present FIR.

The contentions of the learned counsel for the petitioner that neither the petitioner has any role in commission of offence nor she happens to be a Travel Agent and in fact the alleged cheques were only issued in connection with private transactions between the parties and that nothing is to be recovered from the petitioner and being a lady joining investigation by the petitioner would suffice the purpose.

\ Learned State counsel has stoutly opposed the grant of bail to the petitioner on the grounds that the petitioner along with other co-accused are running a gang for cheating innocent persons and has already duped 52 aspirants on the pretext of sending abroad and, thus, is not entitled to any relief.

Going through the submissions, there are specific and direct allegations against the petitioner and her co-accused for having misrepresented and deceitfully duped the complainant of his valuable money and there are allegations against the petitioner for having duped in a similar manner 52 other persons and, therefore, to unearth the entire nexus custodial interrogation of the petitioner is necessitated. Merely because the petitioner is a lady is not an extenuating circumstance to allow the bail and

more so the provisions of Section 438 Cr.P.C are to be sparingly used no ground to allow the bail to the petitioner is made out.

Dismissed.

(FATEH DEEP SINGH)
JUDGE

May 26, 2017
aarti

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