

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

CRM-M-11585 of 2017
Date of decision: 2.8.2017

Narinder Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr. Munish Puri, Advocate
for the petitioner.

Mr.K.S. Aulakh, DAG, Punjab.

H.S. MADAAN, J.

The instant petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by petitioner – Narinder Kaur, an accused in FIR No.56 dated 25.12.2016 for offence under Section 420 IPC registered with Police Station Sadar, Pathankot, District Pathankot.

Briefly stated, the allegations are that criminal machinery in this case was set in motion by Charanjit Kaur wife of late Daljit Singh, an aunt of Narinder Kaur – accused, who alleged that Narinder Kaur and her son Gurinderjit Singh working in Punjab Police had received a sum of Rs.3,50,000/-, whereas she (Narinder Kaur) had received further sum of

Rs.4,50,000/- on various occasions, total amounting to Rs.8 lacs for the purpose of sending Jagbir Singh son of Mukhtiar Singh abroad. Such amount along with passport had been given to them in presence of family members of complainant as well as Surinder Kaur, Faqir Chand, Manjit Kumar. Economic Offences Wing had looked into such complaint of Charanjit Kaur against accused Narinder Kaur and her son Gurinderjit Singh by way of conducting an inquiry and thereafter the FIR had been registered.

Apprehending her arrest in this case, the petitioner had approached the Court of Sessions for grant of pre-arrest bail but her such application was declined by learned Additional Sessions Judge, Pathankot vide order dated 27.2.2017. Feeling aggrieved, she has approached this Court for grant of similar relief.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Learned counsel for the petitioner stated that petitioner is not working as a travel agent; she has been falsely involved in this case for extraneous consideration; there is delay of about three years in lodging the FIR; the petitioner is a household lady; there is no proof of handing over of money and passport to petitioner, as such she be granted pre-arrest bail.

On the other hand, learned State counsel contended that the petitioner has been working as a travel agent and she had induced the complainant to part with a substantial amount of Rs.8 lacs promising that Jagbir Singh son of Mukhtiar Singh, relative of complainant would be sent abroad but later on she neither sent him abroad nor returned the

money and that custodial interrogation of the petitioner is necessary to effect the recovery of amount of Rs.8 lacs paid to her as well as the passport of Jagbir Singh.

After hearing the rival contentions, I find that it is certainly not a fit case for grant of pre-arrest bail. There is a strong tendency amongst people of Punjab to migrate abroad in search of greener pastures and to fulfil that desire they can go to any extent. The wily and cunning persons take advantage of that fact posing as travel agents and fleecing innocent persons of substantial amounts of money selling them dreams of their migration. Many travel agents adopt very dubious and dangerous means for taking people abroad in the process quite often many casualties take place. Such type of elements have to be dealt with sternly. Furthermore, people repose faith in the persons, who promise to ensure their migration abroad and rarely ask for any receipt etc. after making payment so demanded and depositing the passport. Therefore, there could not possibly be any document evidencing payment of money and depositing of passport.

Furthermore, complainant being relative of accused Narinder Kaur, it is highly unlikely that she would have involved her in this case without any rhyme or reason. The Economic Offences Wing of the police had probed the matter before registration of formal FIR. In the present case, custodial interrogation of the petitioner is definitely required for the purpose of recovery of money and passport and if the same is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which

is not called for.

Thus finding no merit in the petition, the same stands dismissed.

2.8.2017

Brij

(H.S.MADAAN)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No