

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

204-A

CRM-M-42257 of 2016 (O&M)

Date of Decision: May 03, 2017

Navneet Kaur

....Petitioner

vs.

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Navneet Singh Brar, Advocate
for the petitioner.

Ms. Harpreet K. Athwal, DAG, Punjab.

Mr. S.K. Sandhir, Advocate
for the complainant.

TEJINDER SINGH DHINDSA, J. (Oral)

The instant petition has been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in FIR No.88 dated 30.09.2016, under Sections 420, 120-B of Indian Penal code, registered at Police Station Koom Kalan, District Ludhiana.

FIR came to be registered on the statement of Gurmail Singh. Allegations are that one Gurmukh Singh had facilitated as the middle man and had arranged marriage of the son of the complainant with the present petitioner on the inducement that she possesses the necessary qualifications i.e. IELTS and has secured 6.5 Bands and she would be in a position to take the son of the complainant to Australia. A sum of ₹11,00,000 (Eleven lacs) is stated to have been entrusted to the middle man namely Gurmukh Singh (co-accused). Visa was applied but that was

declined. At that stage, Gurmukh Singh returned ₹5,35,000/- to the complainant.

Thereafter, on the suggestion of the father of the present petitioner namely Inderjit Singh, another attempt was made for securing visa through Visa Consultancy Company for a sum of ₹13,00,000 (thirteen lacs). The complainant is stated to have paid a sum of ₹7,95,000 to such company and the balance amount was entrusted to the present petitioner and her father. Allegations in a nutshell are that the entire amount afore noticed has been misappropriated and the complainant as also his son have been duped.

During the course of arguments today, counsel appearing for the complainant has referred to the account statement held by the complainant in Bank of Baroda and which would on the face of it demonstrate a RTGS withdrawal of an amount of ₹7,95,000/- towards the company in question i.e. Visa Voyage Consultants.

State counsel upon instructions from ASI Naud Lal, has referred to the police file, which would *prima facie* indicate that amount has been deposited in the account of the present petitioner after visa had not been arranged from the visa consultancy firm.

Even counsel appearing for the petitioner does not dispute the fact that the amount, complainant had paid for securing visa has ultimately been paid by the consultancy firm to the petitioner as also to her father.

It would also be apposite to take note that co-accused Gurmukh Singh has separately filed CRM-M-7992 of 2017 seeking concession of pre-arrest bail and in which, he has virtually admitted his entire liability of the outstanding amount of ₹5,50,000/-. Furthermore, in such matter ₹50,000/- was paid upfront before this Court, during the course of hearing of such

petition filed under Section 438 Cr.P.C. and the matter was referred to the Mediation and Conciliation Centre of this Court and in which Gurmukh Singh has further undertaken to furnish an amount of ₹2,00,000 (Two lacs) on or before 26.05.2017.

The entire chain of events *prima facie* led credence to the version as also the allegations set up by the complainant against the present petitioner as also her father namely Inderjit Singh.

In the light of such serious allegations coupled with the fact that money is yet to be recovered this Court is not inclined to extend in favour of the petitioner the concession of pre-arrest bail.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

03.05.2017
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Whether speaking/reasoned : ***Yes/No***
Whether reportable : ***Yes/No***