

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

CRM-M-34536 of 2018

Date of Decision: 13.08.2018

Surjit Kaur @ Bholi

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. SS Rang, Advocate, for the petitioner.

Mr. Vaibhav Sehgal, Advocate, for the complainant.

RAMENDRA JAIN, J. (ORAL)

Prayer in the instant petition under Section 438 Cr.P.C. has been made for grant of anticipatory bail to petitioner Surjit Kaur @ Bholi in a case arising from FIR No.103 dated 30.07.2018 under Sections 420/406 IPC, later on added Section 13 of Punjab Prevention of Human Smuggling Act, 2012 and Section 24 of Emigration Act, 1983, registered at Police Station Balachaur, District SBS Nagar.

According to the prosecution, the petitioner in connivance with her husband cheated the complainant Tarsem Lal on the false pretext of sending his son Manjinder Kumar to Greece on a valid work permit for better prospects, who was made to board a plane from Delhi to Turkey on 19.06.2018. Thereafter, on 19.07.2018, husband of the petitioner Rakesh Kumar disclosed to the complainant that his son had gone missing. The complainant came to know from one Manohar Lal through phone call that his son Manjinder Kumar had died by drowning while illegally crossing the border from Turkey to Greece through a small boat.

date, there is no information about the death of son of the complainant from any of the Embassy. He might be in the custody of some authorities abroad. The petitioner has no role to play in the entire episode. At the most, her husband Rakesh Kumar may be responsible for the same. The petitioner is a poor rustic woman. According to the prosecution, the money was paid to the husband of the petitioner. Therefore, custodial interrogation of the petitioner is not required.

Mr. Vaibhav Sehgal, Advocate, appears at his own and has filed Vakalatnama on behalf of the complainant in Court today. The same is taken on record. Office to tag the same at the appropriate place.

Learned counsel for the complainant, vehemently opposing the above submissions of learned counsel for the petitioner, contends that the petitioner in connivance with her husband not only cheated the complainant, rather has murdered his son, while transiting him in a boat from Turkey to Greece. Complainant Trasem Lal, is resident of Village Majhot, Balachour, SBS Nagar. The petitioner is also resident of the same village, but was married to Rakesh Kumar. Therefore, as his co-villager, the complainant believed the petitioner and came into her trap in connivance of her husband.

Considering overall facts and circumstances of the case, the petitioner does not deserve any concession of anticipatory bail. She is required for custodial interrogation as she in connivance with her husband is instrumental in the death of a young boy.

Dismissed.

13.08.2018
monika

Whether speaking/reasoned
Whether Reportable

(RAMENDRA JAIN)
JUDGE

Yes/No
Yes/No