

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

Sr. No.204

CRM-M-36891-2017
Date of decision : 30.04.2018

Jaswant Kaur

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Jagjit Singh, Advocate, for the petitioner.

Mr. A.S. Gill, Sr. DAG, Punjab.

Mr. Divjyot Singh Sandhu, Advocate, for the complainant.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks anticipatory bail in case FIR No.170 dated 20.08.2017, registered at Police Station Beas, District Amritsar, under Sections 420 and 120-B IPC and Section 13 of the Punjab Prevention Human Smuggling Act, 2012.

As per the allegation in the FIR, the petitioner in connivance with her son and her husband, induced the complainant to part with a sum of Rs.13 lacs on the pretext of getting him married to her daughter and getting him residency status in Canada.

Interim protection to the petitioner was granted vide order dated 03.10.2017 and it was directed that the complainant be added as a party-respondent. The order was complied with and the complainant has been added as respondent No.2. Replies have been filed by the State counsel as well as by the learned counsel for the complainant.

Learned counsel for the petitioner submits that pursuant to order dated 03.10.2017, the petitioner has joined investigation. The investigation is complete and the challan is likely to be presented in Court very shortly. The

evidence in this case is documentary in nature and nothing is to be recovered from the petitioner and therefore, she deserves the concession of anticipatory bail.

Learned State counsel as well as learned counsel for the complainant rely upon agreement dated 03.06.2017 (Annexure R1/T) as well as recording (Annexure R2/T) to submit that the petitioner admits the receipt of a sum of Rs.13 lacs from the complainant. In fact, she had promised to return the same in four instalments as is apparent from agreement (Annexure R-2/3), but has since backed out and has refused to honour the same. A sum of Rs.13 lacs is to be recovered from the petitioner and therefore, it cannot be said that her custodial interrogation is not necessary.

Regarding the agreement (Annexure R-2/2), learned counsel for the petitioner states that the same was the result of coercion by the police and this is clear from the fact that the complaint was made on 31.05.2017 and the agreement is dated 03.06.2017. So far as, the recording is concerned, it is submitted that it only shows that there was some money transaction between the parties and the allegations of falsely inducing the petitioner are not made out therefrom.

The documents available on record clearly establish that the petitioner has received a sum of Rs.13 lacs from the complainant. The agreement dated 03.06.2017 (Annexure R-1/T) is not denied by the petitioner. The only submission is that the same was reduced into writing on account of the threats given by the police. However, learned counsel for the petitioner has failed to substantiate the allegations of threat or coercion, in any manner. The investigation till date also does not show that the petitioner and her co-accused did not hold out a promise to the complainant to send him abroad. Receipt of

money is admitted and therefore, the petitioner does not deserve the concession of anticipatory bail. Offences of this nature, are on the increase and the Court cannot be oblivious to this fact.

The petition is without any merit and is accordingly dismissed.

(SUDHIR MITTAL)
JUDGE

30.04.2018
Ramandeep Singh

Whether speaking / reasoned	Yes / No
Whether Reportable	Yes/ No