

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29195-2019

Date of Decision: 30.08.2019

Navjot Kaur

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Ritesh Pandey, Advocate, for the petitioner.
Mr. Ajay Pal Singh, DAG, Punjab.
Mr. Simranjit Singh, Advocate for
Mr. G.S. Randhawa, Advocate, for the complainant.

AMOL RATTAN SINGH, J. (Oral)

The petitioner seeks the concession of anticipatory bail in this case, upon her having been arraigned as an accused in FIR no.72, dated 02.06.2019, registered at Police Station City, District Gurdaspur, alleging therein the commission of offences punishable under Sections 420, 201 of the IPC and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012.

On 12.07.2019, learned counsel for the petitioner had submitted that even the agreement relied upon by the complainant, to state that he was duped by the petitioner, is an agreement seen to be executed by the complainant and one Manpreet Kaur wife of Lovepreet Kaur, with it nowhere stated in the FIR that the petitioner was 'using the alias' Manpreet Kaur, the petitioners' name being Navjot Kaur.

However, it had also been admitted that the address given in the agreement was that of the 'agency' which the petitioner has been licensed to run, by the name of Sky Way Immigration, opposite Miri Piri Tower Road, Gurdaspur.

Notice having been issued on that contention raised, with no interim order passed in favour of the petitioner at that stage, on 19.07.2019, the following order was passed:-

“Another copy of the petition has been handed over to the learned State counsel by

the counsel for the petitioner.

The petitioner, as also the complainant, would appear before the investigating officer on 23.07.2019, with the complainant to identify whether the petitioner is the same person who took money from the complainant for the purpose of sending her abroad, or it is a different person altogether.

This direction has been issued because counsel for the petitioner insists that the petitioner is neither Manpreet Kaur who is shown to have signed the agreement with the complainant, nor is her firm, M/s Sky Way Immigration, involved in duping the complainant in any manner. Thus, to determine as to whether the petitioner posed as Manpreet Kaur before the complainant or not, it is considered necessary even for the purpose of granting anticipatory bail, whether the complainant makes a statement to that effect or otherwise.

However, it is made clear that such identification is only being ordered for the purpose of whether or not the petitioner be granted the concession of anticipatory bail.

The petitioner would also give her specimen signatures to the investigating officer on that date.

Upon the petitioner appearing before the investigating officer and joining investigation, in case she is sought to be arrested, she would be released on bail till the next date of hearing before this Court, on her furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Illaqa Magistrate. She shall abide by all the conditions as envisaged in Section 438(2) Cr.P.C.

If the arresting officer does not join the petitioner in investigation, she would appear before the learned Illaqa Magistrate immediately, who would then summon the arresting officer and direct him to join her in investigation.

Adjourned to 02.08.2019.”

Thereafter, on August 02, 2019, none having appeared for either side as lawyers were abstaining from work, the matter had been adjourned till today.

Today learned State counsel has produced in Court the agreement shown to have been reached between the petitioner and the complainant on 17.10.2015 (a copy of which having already been annexed as Annexure P-4), with the “agreement” stating that Manpreet Kaur wife of Lovepreet Singh, (of the) address Sky way Immigration opposite Miri Pirio Tower Road Gurdaspur, had received a sum of Rs.5,40,000/- out of Rs.8,40,000/- from the complainant (Balbir Singh), for sending

him to Greece, and that the remaining amount would be received upon him reaching there.

What is to be noticed is that though the petitioners' contention is that she is Navjot Kaur and not Manpreet Kaur, with the agreement having been even signed by Manpreet Kaur, the document produced in Court today by the learned State counsel very clearly shows that the name "Manpreet Kaur" has been signed on the paper, over a part of which there is seen to be a colour differentiation, possibly due to the fact that the original name may have been removed by putting a tape over it and thereafter removing the tape, thereby taking out a little piece of the paper, with the name Manpreet Kaur thereafter signed on the remaining portion; or possibly by obliterating the name originally written in some other manner, and the name Manpreet Kaur thereafter substituted, as has been submitted by the learned State counsel.

It is also to be noticed that in fact this court had completely omitted putting a query to learned counsel for the State at the time when the case was being argued by learned counsel for the petitioner, as to whether the petitioner had been identified by the complainant or not.

Subsequently however, a query had been put to learned counsel for the State, who, after obtaining instructions from the police official who had come to instruct him in the case, submitted that such identification had, as a matter of fact, been made by the complainant.

[In fact uploading of this order on the internet has been delayed only because a confirmation (or otherwise) was sought from the State counsel with regard to the above.].

Keeping in view the aforesaid, but without making any comment on the actual merits of what has been contended on either side, I do not see any ground to further continue the interim concession granted in favour of the petitioner (admitting her to anticipatory bail), in view of the fact that learned State counsel has submitted

on instructions from the police official present in Court to assist him, that the petitioners' custodial interrogation is needed to determine the methodology by which possibly the original name was obliterated, as also for other aspects of the investigation.

Consequently, further noticing that it is not denied that the petitioner is admittedly also running a travel agency by the name of Sky Way Immigration, as stated even in paragraph 3 of the petition, with the agreement (Annexure P-4) also giving the same name (though with the person entering into agreement shown to be Manpreet Kaur), this petition is dismissed.

August 30, 2019

vcgarg

Whether speaking/reasoned

Whether Reportable

(AMOL RATTAN SINGH)

JUDGE

Yes

Yes