

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-5631-2020 (O&M)

Date of decision: 16.09.2020

Palwinder Kaur

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. P.S. Walia, AAG, Punjab.

Mr. H.P.S. Ghuman, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J.

Prayer in this petition is for grant of anticipatory bail in FIR No.64 dated 30.12.2019 under Sections 420, 120-B IPC and Section 13 of Punjab Travel Profession Act, 2014, registered at Police Station Bholath, District Kapurthala.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of Manmohinder Singh, the petitioner, her husband Baljit Singh and other accused persons allured him to send abroad, however, he was illegally taken to Uganda and was kept in illegal confinement and was made to make payment by extending threats to his life. The complainant

made payment to husband of the petitioner namely Baljit Singh, who has also travelled abroad, after receiving the amount of Rs.42.00 lacs and has left the petitioner and her children at the mercy of God. It is further submitted that the entire amount was paid to Baljit Singh and there is no entrustment of amount to the petitioner.

Learned counsel for the petitioner has argued that it is mentioned in the FIR that previously, an application was given against two persons, as a promise was made by the petitioner to return the amount, however, the amount was not returned back.

Learned State counsel, assisted by learned counsel for the complainant, has, however, opposed the prayer for bail on the ground that the petitioner along with her husband Baljit Singh and Dalvinder Singh had cheated the complainant initially for Rs.35.00 lacs, which were paid to them on an assurance given that they will send him, his sister and niece to USA and they were sent to Uganda, where they faced inhuman treatment and they were further threatened at gun point by Balveer Singh and Ajit Pal Singh to pay the amount of 44,600 American dollars, which were paid by the complainant.

Learned counsel for the complainant has filed affidavit of the complainant and has also opposed the prayer on the ground that when the complaint was given, the accused persons along with respectables, appeared before the police officials and had admitted that they are liable to pay the amount. Learned counsel has relied upon the affidavit submitted by one Sandeep Kumar, in which, during the investigation, on 18.08.2020, it was stated that the petitioner initially approached the complainant for compromise but later on, she backed out. Similar are the affidavits of some other persons, before whom the

petitioner had made the promise to return the amount. It is further submitted that the complainant has already given the details of Rs.35.00 lacs, which were paid by him, by arranging the same from one Lakhwinder Singh, his sister Naginder Kaur, who is resident of USA, who had paid 34,000/- American dollars i.e. Rs.22.00 lacs Indian currency, to one agent Bhupinder through Palwinder Kaur and Baljit Singh. In the affidavit, the detail of payment of US dollars is also given along with bank details. It is thus submitted that it is the petitioner and her husband, both in conspiracy with each other, had cheated the complainant, his sister and niece of huge amount and thereafter, husband of the petitioner Baljit Singh himself had gone back to USA and has not returned the money back.

After hearing learned counsel for the parties, considering the serious allegations levelled in the FIR, I find no ground to grant anticipatory bail to the petitioner, as his custodial interrogation is required.

Accordingly, the present petition is dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

16.09.2020

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No