

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

CRM-M-17620-2020

Date of decision: July 16, 2020

Gurmeet Kaur and another

....Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Arun Sharma, Advocate
for the petitioners.

Mr. Manish Bansal, AAG, Haryana.

Mr. Raghav Sharma, Advocate
for the complainant.
(through video conferencing).

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioners in case FIR No.124 dated 12.6.2020, registered at Police Station Ismailabad, District Kurukshetra under Sections 406, 420, 506, 120-B IPC.

Counsel for the petitioners submits that vide order dated 7.7.2020, the parties were directed to inform whether the Embassy/Consulate of Canada in India is accepting any applications for immigration of student visa but he could not get any information. He further submits that the petitioners are the father-in-law and mother-in-law of the complainant and their daughter was married to the complainant. Counsel further submits that as per the allegations in the FIR, the complainant had spent an amount of Rs.30 lacs to sponsor the study visa of his wife

Amanpreet Kaur, daughter of the petitioners and after she completed all the formalities, etc. on the expenses of the complainant, she travelled to Canada where the complainant had paid a huge amount for her stay and one year advance fee. It is stated in the FIR that the applicant is having all records regarding the amount spent on the visa, ticket and sending abroad Amanpreet Kaur as well as the money taken by the petitioners and other accused.

Counsel for the petitioner also submits that it is further mentioned in the FIR that Amanpreet Kaur had stopped talking to the complainant and had openly declared that she will not maintain any matrimonial relations with the complainant when the complainant approached the accused persons, they started making excuses. It is further stated that one accused Karnail Singh is a police official and was extending threats to the complainant. Counsel for the petitioners also argued that, in fact, the daughter of the complainant Amanpreet Kaur has made efforts to provide student visa to the complainant/her husband, however, the same was not granted.

Counsel for the petitioners further submits that Amanpreet Kaur is interested in calling the complainant to Canada and, therefore, there was no occasion to return the amount of Rs.30 Lacs. It is further stated that the petitioners have not committed any offence and are falsely implicated by the complainant. Amanpreet Kaur has already passed IELTS and the complainant had sent her to Canada of her own free will. It is further stated that no offence under Sections 406 and 420 IPC is made out.

In reply, learned State counsel, assisted by counsel for the complainant submitted that the petitioners have failed to provide any document in terms of the order dated 7.7.2020 to show the *bona fide* of Amanpreet Kaur. It is also stated that the petitioners and their daughter, on the pretext of her marriage with the complainant, allured him to part away huge amount of Rs.30 Lacs for providing student visa to Amanpreet Kaur and further to pay her fee and expenses for stay.

Counsel for the complainant submits that in the FIR, the details are given to show that even after Amanpreet Kaur went to Canada, he has paid huge amount for her annual fees and stay for one year.

Counsel for the complainant submits that the complainant is a simple person and, therefore, he was trapped by the petitioners and their daughter Amanpreet Kaur, who was desperate to go to Canada and after she had gone to Canada, she stopped interacting with the complainant and she had no intention to take him there.

Counsel for the complainant has stated that even during the enquiry conducted by the Deputy Superintendent of Police on 26.2.2020, after recording the statements of witnesses, it is found that by way of a calculated conspiracy, the marriage of Amanpreet Kaur was performed with the complainant just to extort Rs.30 Lacs from him and, thus, they have committed the offence of cheating and misappropriation. Therefore, it was recommended that the FIR be registered. Counsel for the complainant further submits that even during the enquiry petitioner No.1 has given an affidavit that he is responsible for the money paid by the complainant,

however, later on he backed.

Counsel for the complainant has also placed on record certain documents to show how the amount was transferred by the complainant.

In reply, counsel for the petitioners could not dispute that the amount was paid by the complainant and could not give any satisfactory reply how Amanpreet Kaur is trying to take the complainant to Canada, except relying upon an application dated 24.6.2013, which seems to be given just after registration of the present FIR.

I have heard learned counsel for the parties.

There are serious allegations that in pre-meditative conspiracy, the petitioners and their daughter allured the complainant and performed their marriage on 10.2.2019 as the daughter of the petitioners was in need of money to go abroad on study visa and in that process, the complainant has paid huge amount, through bank transactions, as relied upon by the complainant.

Accordingly, considering the serious allegations in the FIR, I find no ground to grant the anticipatory bail to the petitioners.

Dismissed.

July 16, 2020
satish

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No