

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****202****CRM-M-25448-2020 (O&M)**
Date of Decision: 02.12.2020

Pinki Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Gursimran Singh Madaan, Advocate, for the petitioner.

Mr. Avtar Singh Sandhu, Addl. AG, Punjab
assisted by ASI Sukhwinder Singh.*(proceedings conducted through video conferencing)***GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.43 dated 20.04.2020 at Police Station Kot Ise Khan under Sections 406, 420, 120-B of IPC.
2. The FIR was lodged at the instance of Lovepreet, wherein it is alleged that he had met an agent namely Kapil Sharma for the purpose of going abroad, who was running consultancy business in the name and style of 'The Study Express- IELTS' in his office at 3rd floor, Vasal Mall, Opposite President Hotel, Jalandhar and that his wife Pinki Sharma also works with him apart from another girl namely Hina. It is alleged that Kapil Sharma's Advocate namely Ramesh Sharma also works with him. It is alleged that the

complainant mostly used to talk to Hina and Ramesh Sharma, who assured him that they would arrange study visa for the complainant for Canada. It is alleged that they had provided him offer letter on 27.02.2019 and had received an amount of Rs.10,000/-. Thereafter, on 05.03.2019, they had received one year's college fee amounting to Rs.8,10,800/- in the bank account of Pinki Sharma i.e. A/c No.008205500863 and subsequently on 11.03.2019, the complainant also deposited Rs.5,48,000/- towards GIC fund in the aforesaid account, but they did not apply for his visa.

3. Learned counsel for the petitioner has submitted that Kapil Sharma, who is named in the FIR in fact is son of the petitioner, who is running consultancy services business under the name and style of 'The Study Express - IELTS' and that the petitioner has nothing to do with the same and has been falsely nominated as an accused being mother of aforesaid Kapil Sharma in order to pressurize him. It has further been submitted that although in the FIR the amounts of Rs.8,10,800/- and Rs.5,48,000/- are stated to have been transferred in the bank account of the petitioner, but in fact the said allegations have been found to be false inasmuch as the bank account in question i.e. A/c No.008205500863 is in the name of 'The Study Express - IELTS'.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and it is alleged that she is working with Kapil Sharma and also happens to be involved in four other cases, no case for grant of bail is made out. Learned State counsel has, however, not disputed the fact that

the bank account in question is not in the name of the petitioner. It has also been informed that pursuant to the interim directions, the petitioner has since joined investigation and is not required for custodial interrogation.

5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case especially that the petitioner is a lady aged about 60 years and admittedly the amount in question has not been credited in her account and stands credited in the account of the consultancy services i.e. 'The Study Express - IELTS', which is operated by the co-accused Kapil Sharma and while also noticing the fact that the petitioner has since joined the investigation and her custodial interrogation is not required, the petition, as such, is accepted and the interim directions issued by this Court vide order dated 01.09.2020 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

02.12.2020
Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**