

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

(Heard through VC)

CRM-M-27854 of 2020 (O&M)
Date of Decision: September 15, 2020

Simranpreet Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. P.S. Punia, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG Punjab.

JAISHREE THAKUR, J. (Oral)

1. The petitioner herein seeks grant of anticipatory bail in FIR No.106 dated 19.08.2020, under Sections 420, 120-B of Indian Penal Code and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012 registered at Police Station Pasyana, District Patiala.

2. In brief, the facts as stated are, that the complainant-Dharam Pal reported that his brother-in-law Kuljinder Singh was desirous of settling in a foreign country and therefore, in the month of September 2017, complainant met Ravinder Singh, Kanwalpreet Singh and Simranpreet Kaur who made the complainant to believe that they will

send Kuljinder Singh to Italy and would also ensure a job on getting an amount of ₹12,50,000/-. Accordingly, an amount of ₹ 12,50,000 was paid and all necessary documents were handed over. On taking the said amount it was promised that brother-in-law of the complainant would be settled and would become a permanent resident of Italy. But in spite of that, Kuljinder Singh was never taken to Italy. On 15.01.2018, Ravinder Singh took Kuljinder Singh and three other girls from Delhi to Indonesia, where came to know that there was no visa for Italy. It was proposed to send them to Italy by ship which did not fructify, and after one month Ravinder Singh took Kuljinder Singh and the three girls to Malaysia, from where after 2 days they were again sent back to Indonesia. Eventually, they came back to India. Again an assurance was given that Kuljinder Singh would be taken to Italy. In October 2019, they were informed that a visa had been arranged and Kuljinder Singh again left on 10th of December 2019 but was flown to Armenia instead of Italy and eventually returned in December 2019 to India. The accused Ravinder Singh issued one cheque of ₹ 2 lakhs in favour of the complainant as he was unable to send Kuljinder Singh to Italy, whereas a cheque amounting to ₹ 10 lakhs was issued by Kanwalpreet Singh & Simranpreet Kaur in favour of the complainant. Both these checks have been dishonoured due to insufficient funds in the bank and on account of the fraud played by Ravinder Singh, Kanwalpreet Singh & Simranpreet Kaur, the instant FIR has been registered. Bail application filed by petitioner Simranpreet Kaur stood dismissed by the Additional Sessions Judge Patiala.

3. Mr. Punia learned counsel for the petitioner would argue that

the petitioner has been falsely implicated in the said case and is not involved in case of sending the brother in law of the complainant to Italy. It is argued that in fact the complainant was running the committee business of ₹ 2500 per month and the petitioner was a member of the said committee and she had issued a blank security check to the Dharampal which he refused to return and misuse the same. He has already filed a complaint under the Negotiable Instruments Act against the complainant. It is argued that the petitioner being a lady is in the tailoring business and has nothing to do with the business of sending persons abroad.

4. The bail application is contested on the ground that under the garb of sending people abroad illegally, innocent persons are being duped. It is contended that as on date no recoveries have been made as the cheques itself have bounced and the matter requires to be thoroughly investigated.

5. I have heard the counsel for the parties and find that there is no ground for allowing the instant petition. The allegations in the said FIR are detailed which would reflect that the petitioner along with her husband and Ravinder Singh had given an assurance to the complainant that his brother-in-law Kuljinder Singh would be sent to Italy with a promise of a job. However, instead of sending him to Italy, he was first taken to Indonesia then Malaysia and then brought back to India. Then he was taken to Armenia and eventually brought back to India. Under these circumstances, once custodial interrogation of the petitioner is required for a result oriented investigation, this court is not inclined to grant anticipatory bail to the petitioner.

6. In view of the above, the instant petition is hereby dismissed.

September 15, 2020
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No