

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

CRM-M-43926-2019

Date of decision:-5.3.2020

Neha Bhagotra

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.N.S. Goraya, Advocate
for the petitioner.

Ms.Amarjit Kaur Khurana, DAG, Punjab.,

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Neha Bhagotra, an accused in FIR No.0181 dated 8.8.2019 for the offence under Section 420 IPC, registered with Police Station City, Kharar.

Briefly stated, the facts of the case as per the prosecution version are that criminal machinery in this case was set into motion by complainant Janki Paudel, who in a written complaint submitted to SSP, SAS Nagar(Mohali) contended that she is native of Nepal, temporarily residing at Chandigarh; that she had approached Neha Bhagotra and her fiancé Ravi Kumar, Proprietor of Rising Consultant for grant of tourist visa for Canada, paying an amount of Rs.9,48,000/- in cash to them on 30.10.2018; the brother of the complainant had raised loan to the tune of

Rs.9,37,000/- in Indian currency from the bank by pledging his jewellery; Neha Bhagotra and Ravi Kumar had got passport of the complainant also; the complainant was made to visit Nepal on several occasions for the purpose of medical report, police verification and she spent substantial amount; that despite passage of long time, the accused neither arranged visa for the complainant for Canada as promised nor returned her money and passport, rather threatened to kill her. According to the complainant, she is a widow having a daughter of 9 years and she sought taking of action in the matter.

On registration of formal FIR, apprehending his arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, her such request was declined by learned Sessions Judge, Mohali vide order dated 4.10.2019. As such, the petitioner has approached this Court asking for similar relief.

Notice of the petition was given to respondent – State, which put in appearance through counsel.

I have heard learned counsel for the parties besides going through the records.

Pre arrest bail is a discretionary relief and is to be granted in exceptional cases and not in routine. It is meant to save the innocent persons from harassment and inconvenience and not to screen the culprits from custodial interrogation.

There is a strong tendency amongst people to migrate abroad in search of greener pastures and to fulfil that desire they can go to any extent. The wily and cunning persons take advantage of that fact posing

as travel agents and fleecing innocent persons of substantial amounts of money selling them dreams of their migration. Many travel agents adopt very dubious and dangerous means for taking people abroad in the process quite often many casualties take place. Such type of elements have to be dealt with sternly. Furthermore, people repose faith in the persons, who promise to ensure their migration abroad and rarely ask for any receipt etc. after making payment so demanded and depositing the passport. Therefore, there could not possibly be any document evidencing payment of money and depositing of passport.

It is not disputed by the petitioner/accused even that a sum of Rs.1.7 lakhs had been received her by from the complainant. It is contended by learned counsel for the petitioner that the petitioner was not at fault for non grant of visa to the complainant but rather the fault lies with the complainant, who had initially submitted the passport containing fake visa sticker and the passport was retained by the Embassy and then the complainant gave another passport but visa could not be procured due to change of rules and regulations. But such contentions were found to be without any merit. The DSP, who had conducted the inquiry had found merit in the allegations levelled in the complaint by the complainant. Though petitioner was sought to be associated in the inquiry but her premises were found to be locked and her whereabouts were not known.

In case of *State represented by the C.B.I. Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268*, Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case

like this interrogation of suspected person is of tremendous advantage in getting useful informations.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation to unfold the entire story and to recover the money and passport. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for.

Thus finding no merit in the petition, the same stands dismissed.

5.3.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No