

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

(Sr. No. 109)

CRM-M No. 17094 of 2021

Date of decision : 23.04.2021

Harmanjeet Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. P.P.S. Tung, Advocate for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

This is the second petition filed by the petitioner under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.23 dated 27.01.2021 registered under Sections 420, 406, 120-B IPC and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012 registered at Police Station Sadar Patiala, district Patiala.

Briefly stated, the case of the prosecution is that the complainant's relative namely Gurvinder Kaur was working with the petitioner; through Gurvinder Kaur the complainant came in contact with the petitioner; thereafter, the petitioner and co-accused Avtar Singh who projected themselves to be as husband and wife, met the complainant on several occasions; accused Avtar Singh stated that he was serving in the

Punjab police; the petitioner and co-accused Avtar Singh then helped the complainant in sending her son Gaganpreet Singh to Singapore; thereafter they assured the complainant that they would now send their daughter Ramanjeet Kaur to Canada and for this they demanded Rs.17 lakhs; such discussion took place at Patiala in the presence of Gurvinder Kaur; in pursuance of the afore discussion, on 06.02.2017, the complainant paid to the petitioner and co-accused Avtar Singh an amount of Rs.5 lakhs; on 09.12.2017 another amount of Rs.4.75 lakhs was paid to them; on 16.12.2017 the petitioner and co-accused Avtar Singh came to the complainant's house and stayed for a night with her; on the next day they demanded and received from the complainant another amount of Rs.3 lakhs; on 12.01.2018, both the aforesaid accused persons came to the complainant's house and took the passport and photocopies of education certificates of the complainant's daughter as also took from her Rs.4.25 lakhs; such payment was made in the presence of Gurvinder Kaur; the afore payments were made by the complainant to the accused persons after selling a part of their agricultural land and tractor as also by giving their remaining land on lease; the complainant's daughter was not sent to Canada but an offer was made to send her to Hong Kong, from where they took no responsibility of sending the complainant's daughter to Canada; on the complainant's asking for her money, the petitioner handed over to her a cheque dated 03.09.2018 drawn on Axis Bank Ltd., which on presentation was dishonoured and thereafter, neither the complainant's money was returned nor the complainant's daughter was sent to Canada, rather threats were meted out to the complainant.

For the same relief as claimed in the present petition, the petitioner had earlier approached this Court through CRM-M No. 6245 of 2021 – Harmanjeet Kaur Vs. State of Punjab, which petition was dismissed on 18.02.2021 through the following order :-

“Case taken up through Video Conferencing.

The arguments raised on behalf of the petitioner having not received a favourable response from the Bench and not to invite a decision on merits lest it may prejudice the case of the petitioner at a later stage, learned counsel for the petitioner seeks to withdraw the present petition.

Permitted to do so.

Dismissed as withdrawn.”

A perusal of the afore quoted order reveals that learned counsel appearing for the petitioner, argued the petitioner's case on merits but after realising that this Court was not inclined to grant any relief, sought and got permission to withdraw the petition, lest any finding to be returned by this Court on the merits of the petitioner's case may prejudice her at a later stage.

The only ground for knocking the doors of this Court for the second time for grant of anticipatory bail to the petitioner is an affidavit of Gurvinder Kaur through which she has stated that no money transaction took place between the complainant and the accused persons, including the petitioner, in her presence.

The aforesaid affidavit of Gurvinder Kaur is dated 17.02.2021 and the petitioner's first petition for anticipatory bail was dismissed on 18.02.2021. No reason is forthcoming from the record as to why Gurvinder Kaur's affidavit was not brought to this Court's notice on 18.02.2021. In the

light of such fact the affidavit's veracity needs to be probed by the State. It also cannot be ruled out that the petitioner procured Gurvinder Kaur's affidavit by exercising influence upon her. This too needs to be investigated. In any case, the affidavit is not an event which is subsequent to the dismissal of the petitioner's first petition for anticipatory bail.

In view of the above, the petitioner is held not entitled to the grant of anticipatory bail.

Dismissed.

It is clarified that the above observations have been made only for the limited purpose of deciding the present anticipatory bail application and the same would not be construed to be an expression of opinion on the merits of the case.

23.04.2021

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No