

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

Criminal Misc. No.M-24282 of 2021(O&M)

Date of Decision: July 12, 2021

Maninder Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Umesh Aggarwal, Advocate
for the petitioner.

Mr.Sarabjeet Singh, AAG, Punjab.

Mr.Amit Arora, Advocate
for the complainant.

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HARINDER SINGH SIDHU, J.

This petition has been filed under Section 438 Cr.P.C for grant of pre-arrest bail in case FIR No.175 dated 26.05.2021 under Sections 420/120-B IPC and Section 13 of the Punjab Travel Professional Act, 2014, Police Station Islamabad, Amritsar.

The FIR was registered on the complaint dated 12.01.2021 of one Jasbir Singh. He stated that one year ago, Maninder Kaur (petitioner), who is his relative, introduced him to Vikramjit Singh and his wife Navneet Kaur for sending him (complainant) to Canada. They demanded Rs.40,00,000/- (forty lakh) from the complainant. He paid some amount before getting VISA and also gave some blank cheques of his father as guarantee. They obtained signatures of his father and Gurinder Singh on one

stamp paper. The complainant and his uncle Sukha Singh along with Gurinder Singh (a cousin of the petitioner) visited the house of the petitioner and Raghbir Singh (husband of the petitioner) and paid them Rs.3,80,000/-. The father of the complainant sold one acre of land and transferred Rs.5,10,000/- in Navneet Kaur's Account No.50100275481210 vide cheque. He gave a second cheque of Rs.5,00,000/- from his account which accused got encashed. Thereafter, they received Rs.1,20,000/- from the complainant for currency exchange and Maninder Kaur (petitioner) was also present there. Then, Vikramjit Singh and Navneet Kaur sent Harpal Singh, Lakhbir Kaur, Amritpal Singh, Jaswinder Singh and the complainant to the airport from the house of the petitioner. They were assured of a VISA for Canada, but they were taken to small countries on tourist VISA and brought back to India. The complainant further alleged that when they raised hue and cry, then Maninder Kaur (petitioner) gave one cheque of her account as guarantee and assured that if they do not send the complainant abroad then they shall return the amount. The complainant trusted them. After sometime, the accused demanded more money from the complainant on the pretext of giving VISA of Europe. The complainant gave his ATM Card to them. They withdrew Rs.80,000/- using the ATM Card. They withdrew another Rs.80,000/- from the joint account of the parents of the complainant. They were also given Rs.75,000/- at the house of Gurinder Singh (cousin of the petitioner) However instead of Europe, they were taken to Russia and then brought back to India. The accused assured that next time, they shall directly be sent to Canada. Raghubir Singh and Maninder Kaur gave a cheque of their joint account to him as guarantee.

The accused failed to get a VISA to Canada nor the money was returned.

Another application dated 15.12.2020 was given by Harpal Singh against the same accused – Vikramjit Singh, Navneet Kaur, Maninder Kaur with similar allegations. It was stated that the accused had demanded Rs.80,00,000/- (eighty lakhs) for sending Harpal Singh, his wife and their son to Canada. As they did not have so much money, father of Harpal Singh transferred 13 Kanal land in the name of Vikramjit Singh. The petitioner was an attesting witness in that transaction. They also gave Rs.6,00,000/- in cash at Amritsar which they arranged by mortgaging 1½ acres of land. Another Rs.3,00,000/- was given by taking loan on land. Harpal Singh also stated that he has tickets, VISA, Photos, Videos and other evidence in his possession of sending them to various countries other than Canada.

Inquiry into the complaints was conducted by Assistant Commissioner of Police, Amritsar (West). In the inquiries it was found that Vikramjit Singh, his wife Navneet Kaur and Maninder Kaur in connivance with each other had misappropriated 13 kanal land worth Rs.48,00,000/- and Rs.9,00,000/- cash in lieu of sending Harpal Singh, his wife Lakhbir Kaur and their son Amritpal Singh to Canada. They had received Rs.17,45,000/- from Jasbir Singh in lieu of sending him to Canada. Instead of sending them to Canada, they were taken to different countries. It was further concluded that from the photographs of agreements executed with Maninder Kaur (petitioner) on 15.05.2019 and with Vikramjit Singh on 26.02.2020 produced by applicant Harpal Singh, photocopies of cheques of Maninder Kaur's bank account produced by Harpal Singh and Jasbir Singh and on

hearing call recordings, involvement of Vikramjit Singh, his wife Navneet and Maninder Kaur (petitioner) defrauding Harpal Singh, his wife Lakhbir Kaur and their son Amritpal Singh and Jasbir Singh on the pretext of sending them to Canada was substantiated.

The Enquiry Report further revealed that apart from above, Lakhwinder Kaur wife of Pargat Singh resident of Amritsar was also defrauded on the pretext of sending her son Jaswinder Singh to Canada, wherein, FIR No.226 dated 07.11.2020 under Sections 420, 120-B IPC and Section 13 of the Punjab Travels Professional Regulation Act, was registered at Police Station Chheharta, Amritsar against Vikramjit Singh, Navneet Kaur and Maninder Kaur (petitioner).

Ld. Counsel for the petitioner has argued that the petitioner has been falsely implicated in the case. In fact she also has been defrauded by co-accused Vikramjit Singh and Navneet Kaur. They have cheated her of Rs. 3 lakh on the pretext of sending her abroad. In this regard she has already submitted a complaint on 19.05.2019 to the Commissioner of Police, Amritsar. He argued that during enquiry co-accused Navneet Kaur admitted that petitioner had given her four signed blank cheques. In one of the cheques Navneet Kaur had filled an amount of Rs.5 lakhs and presented it to the bank and got it dishonoured. The other blank cheques had been handed over to Angrez Singh, Jasbir Singh and Pargat Singh (husband of Lakhwinder Kaur) who had filled different amounts in the same. This was done only to trap the petitioner.

It is not possible to accept the contentions of the Ld. Counsel for the petitioner. In the inquiry this aspect has been gone into. It has come out that

the version of the petitioner that she had given some cheques, which were in possession of Harpal Singh's father Angrej Singh and Jasbir Singh, to Vikramjit Singh could not be substantiated by her. There were recordings of conversation of the petitioner with Lakhbir Kaur, where she assuring the latter that if the work was not done then everything shall be returned. In another conversation the petitioner is heard telling Lakhbir Kaur that her work was being done for lesser consideration than others. The allegations of the petitioner that she herself had been defrauded were not substantiated.

The complaint filed by the petitioner against co-accused Navneet Kaur appears to be just to create a defence. The complaint is bereft of any particulars with regard to date and time. From the pleadings it does not appear that the petitioner has pursued the complaint.

To the contrary on the allegations in the FIR the active involvement of the petitioner is patent. The complainants have been cheated of a substantial amount of money.

No ground for grant of anticipatory bail to the petitioner is made out.

Dismissed.

July 12, 2021

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No