

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32551-2021 (O&M)

Date of Decision: 12.11.2021

Nisha Malhotra

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Mandeep Singh Sachdev, Advocate, for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

An affidavit has been filed by the Deputy Superintendent of Police, Nangal, District Rupnagar, Punjab, which is taken on record.

The learned counsel for the petitioner has submitted that he has gone through the affidavit filed by the State.

The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.107 dated 14.07.2021, under Sections 406/420 of IPC, registered at Police Station Nangal, District Rupnagar.

The learned counsel for the petitioner has submitted that it is a case where the allegation against the petitioner is that the petitioner who is a licensed immigration agent had taken some amount of money from the complainant for sending the son of the complainant to Spain and instead of

sending him to Spain she sent him to Combodia and other countries and when the complainant demanded the money back from the petitioner, she did not return the same and hence the present FIR was lodged. The learned counsel for the petitioner submitted that on the face of it the offences under Section 406/420 IPC are not made out because the son of the complainant could not be sent to Spain or such like country because he did not fulfill the basic qualifications for the same and he had gone to Combodia on a tourist visa and thereafter, the complainant had made a claim upon the legal fee which she charged from the complainant and at the most the same can be termed as a civil dispute but it has been given a criminal flavour in connivance with the police. He further submitted that the petitioner has clean antecedents and she is not involved in any other case and in pursuance of the orders passed by this Court on 12.08.2021 the petitioner has joined the investigation and she has fully cooperated with the investigation process and he has prayed that the interim order may be made absolute.

Mr. Randhir Singh Thind, learned Deputy Advocate General, Punjab has submitted that it is correct that as per the affidavit filed by the State, the petitioner is not involved in any other case/FIR. He has submitted that it is a case where the petitioner had taken an amount of Rs. 14 Lakhs from the complainant and had not returned back and had breached a promise for sending the son of the complainant to Spain. He further submitted that the petitioner has joined the investigation and she has cooperated with the investigation process.

I have heard the learned counsel for the parties.

In pursuance of the orders passed by this Court by which

interim protection was granted on 12.08.2021 the petitioner has joined the investigation and has cooperated with the investigation process as per the learned State counsel. The argument raised by the learned counsel for the petitioner that the son of the complainant did not have the basic qualifications for sending him to Spain and he had gone to Cambodia on tourist visa and that dispute, if any was of a civil nature for recovery of amount, if at all it is sustainable does carry some weight for the purpose of adjudicating the present petition which is for the grant of anticipatory bail.

Be that as it may since the petitioner has already joined the investigation and has cooperated with the investigation process and, therefore, this Court deems it fit and proper to allow the present petition.

Consequently, the present petition is allowed and the order dated 12.08.2021 is hereby made absolute.

12.11.2021

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)**JUDGE**

: Yes/No
: Yes/No