

233-2

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.28303 of 2020
Date of Decision: 12.07.2021

RITU DHIMAN AND ANRPetitioners
Vs
STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Balram Singh, Advocate
for the petitioners.

Mr. Rajat Gautam, D.A.G., Haryana.

None for the complainant.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

Petitioners seek grant of anticipatory bail in case bearing FIR No.184 dated 25.07.2020 registered under Sections 420, 120-B IPC and Section 13 of the Punjab Travel Professional Act, 2014 at Police Station Adampur District Jalandhar Rural.

On 07.10.2020, following order was passed by the Co-ordinate Bench of this Court:-

"The petitioners – Ritu Dhiman and Parvinder Dhiman pray for grant of pre-arrest bail in a criminal case arising from FIR No. 184 dated 25.7.2020 registered under Section 420, 120-B IPC and Section 13 of the Punjab Travel Professional Act, 2014 at Police Station Adampur, District Jalandhar. In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Jalandhar in para 3 of the order dated 8.9.2020, which is extracted as under:-

“Balbir Singh-complainant moved a complaint to the police to the effect that in order to send his son Satwinder Singh to Canada, he had a talk with Parminder Singh agent and his wife Meet in June, 2018. On 05.08.2018, they told that visa of Satwinder Singh has been received and we should keep Rs.20 Lacs ready. On 30.08.2018, he got Rs.6 Lacs deposited in their account. On 05.09.2018, Parminder Singh came to their house. They went alongwith him in his car. On 05.09.2018, Rs.14 Lacs were paid to them. Thereafter they took them to Delhi and they met Madam Neetu and her husband, their partners. Thereafter they met Ajay and one more person, their partners. On 06.09.2018, they took them to airport and gave passport and ticket. However Satwinder Singh was turned out of airport as his visa was fake. Thereafter all of them assured that they will send Satwinder Singh to Australia or New Zealand. On 14 September, they deposited Rs.2 Lacs in his account. On 20.06.2019, they told that visa has been received and you should go to Mumbai but without any result. Thereafter they asked them to return his amount, whereupon cheque of Rs.18 Lacs was issued. Action be taken. On the basis of this complaint and subsequent enquiry, FIR was registered.”

Pursuant to the notice, a short reply by way of affidavit of Deputy Superintendent of Police Sub Division Adampur, District Jalandhar has been forwarded through email. As per the affidavit, statements of the petitioners have been recorded during the inquiry in which they have admitted that they have received certain amount for and on behalf of Harbhajan Singh and Ajay Kumar.

Learned counsel for the petitioners contends that such statements are not admissible in evidence.

Notice of motion.

On the request of the Court, Ms. Samina Dhir, DAG, Punjab accepts notice on behalf of the State of Punjab and prays for time to seek instructions.

Adjourned to 19.11.2020.

Keeping in view the aforesaid facts, it is considered appropriate that let the petitioners join investigation.

In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

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(ANIL KSHETARPAL)
JUDGE”

Learned counsel for the petitioners submitted that in compliance of the aforesaid order, the petitioners have joined the investigation on 11.11.2020 to the entire satisfaction of the Investigating Officer.

Learned State counsel on instructions from ASI Bhupinder Pal Singh admitted the aforesaid fact and submitted that the petitioners are no more required for further investigation of the case.

In view of aforesaid factual position, the interim order dated 07.10.2020 is made absolute. Petitioners shall keep on joining the investigation as and when required to do so and they shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

July 12, 2021
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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No