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

CRM-M-34209-2021 (O&M)
Date of Decision:-20.8.2021

Palwinder Kaur and another … Petitioners

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Harshit Joon, Advocate for the petitioners.

(proceedings conducted through video conferencing)

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GURVINDER SINGH GILL, J.

1. This is the second petition on behalf of the petitioners seeking grant of anticipatory bail in a case registered against them vide FIR No. 65 dated 16.7.2021 under Sections 420/406 IPC and Section 13 of the Punjab Travel Professional (Regulation) Act, 2014 at Police Station Dhilwan, District Kapurthala.

2. The FIR was lodged at the instance of Raman Kumar Punj wherein it is alleged that he is running a cosmetics shop in village Dhilwan where his wife and sons Shivam and Kartik also assist him. It is alleged that Palwinder Kaur (petitioner No. 1) used to frequently visit his shop and she represented that her so-called sister Harpreet Kaur alongwith Harjinder Singh, Kanchan wife of Harjinder Singh are into sending children abroad on tourist and study VISA. It is alleged that in the first week of October, 2019, Palwinder Kaur (petitioner no. 1) and Harpreet Kaur (petitioner no. 2) came to his shop and

engaged the complainant in a conversation and said that now-a-days, children go to Canada on study VISA and they are able to get 'permanent residency' within a short period and in case the complainant was interested in sending his son Shivam, who had studied upto 10+2, then they alongwith Harjinder Singh and Kanchan could send him to Canada, upon which the complainant and his wife said that they shall think over the matter. It is alleged that after about 20 days, all the 4 accused came to his shop and said that two groups were to go to Canada, one on a tourist VISA and another on a study VISA and that the amount chargeable for sending complainant's son to Canada with an advance fee of three years would be ₹ 30 lacs and for sending him on tourist VISA, it would be ₹ 15 lacs. It is further alleged that Palwinder Kaur and Harpreet Kaur who were also present there suggested that complainant's son should be sent on tourist VISA as it costs less and chances of getting 'permanent residency' are more. The complainant being taken in by their representations agreed for sending his son to Canada for an amount of ₹ 15 lacs.

3. Complainant alleges that somewhere around 10/11.12.2019, the petitioners Palwinder Kaur and Harpreet Kaur met him and told him that a group of persons has to depart on tourist VISA in the first week of January and asked for the passport of complainant's son and an amount of ₹ 1 lac while stating that the remaining amount be paid later from time to time as the complainant's son passes through various countries. Accordingly, on 30.12.2019, the complainant and his wife paid the said amount of ₹ 1 lac to Palwinder Kaur and Harpreet Kaur while visiting their house and they were assured that the job shall be done soon. It is alleged that on 2.1.2020, all the

accused came to his shop and congratulated him that his son has been issued a VISA and has to depart on 5.1.2020 from Delhi for Bangkok and from Bangkok to Cambodia and from there, he shall be sent to Canada via Europe. Harjinder Singh told the complainant to bring his son to Amritsar Airport on 5.1.2020 at 7 AM and that he would accompany him to Canada. Kanchan asked the complainant to handover 1000 dollars to complainant's son Shivam so that the same can be shown to immigration officials. The complainant arranged for the said amount and complainant's son Shivam was taken to Amritsar from where he was taken to Bangkok. Harjinder Singh took complainant's son to Cambodia on 7.1.2020.

4. It is alleged that on 20/21.1.2020, Palwinder Kaur and Harpreet Kaur came to his shop and said that a VISA for Cambodia and other European countries and Canada has to be applied and asked the complainant to arrange for an amount of ₹ 7,50,000/-. The complainant withdrew an amount of ₹ 2 lacs from his account at Cooperative Bank Branch, Dhilwan and out of which he gave an amount of ₹ 1 lac to Palwinder Kaur who after counting the same handed over to Harpreet Kaur. On 26.1.2020, Palwinder Kaur sent a message that complainant's son has to appear before Holland Embassy on 27/28.1.2020 and asked the complainant to arrange for an amount of ₹2 lacs, upon which the complainant withdrew another amount of ₹ 2 lacs from his account and handed over the same to Palwinder Kaur's son namely Sukhdeep Singh and Harpreet Kaur when they visited his shop.

5. Subsequently, another message was sent to the complainant that the complainant's son has to appear before Canadian Embassy on 7/8.2.2020 and asked the complainant to keep an amount of ₹ 3.5 lacs and also to

arrange for 800 dollars for an amount equivalent in Indian rupees for depositing the same in account No. 250901500093 of a person named as Caesar of Kerala by 6.2.2020. Upon receiving the said message, the complainant withdrew an amount of ₹ 1.5 lacs from his account and borrowed ₹ 2.5 lacs from his friend and gave the same to Palwinder Kaur and Harpreet Kaur by going to their house. It is further stated that on the same day, he also deposited an amount of ₹ 57,018/- in the account number which had been given to him. It was assured that a copy of a VISA pasted on passport of complainant's son shall be sent within a week. However, on 10.2.2020, Harpreet Kaur and Kanchan came to complainant's shop and stated that the passport of complainant's son on which all VISAs were pasted had been misplaced and demanded another amount of ₹ 3 lacs to get a fresh passport issued. Since the complainant got worried about the well being of his son, he arranged for an amount of ₹ 2 lacs from his friend Pargat Singh, who had withdrawn the same from his wife's account. The complainant arranged for another amount of Rs. 1 lac and gave total amount of ₹ 3 lacs to Kanchan who had visited complainant's shop alongwith her father-in-law on 14.2.2020. Harjinder Singh, however, returned back to India while leaving complainant's son in Cambodia who was ultimately deported from there on a white passport on 11.6.2020. Thereafter, the complainant alongwith respectables met Palwinder Kaur and Harpreet Kaur who kept on giving them false assurances of returning the amount but did not return any amount. Although, a cheque for an amount of ₹ 2,70,000/- was given to the complainant but the same was dishonoured.

6. The learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in the instant case, being ladies and that in fact it is Harjinder Singh, co-accused who had taken the complainant's son abroad, as is evident from the FIR itself. It has further been submitted that there is no convincing evidence regarding the payments allegedly made by the complainant and that no payment whatsoever was ever credited in the account of either of the two petitioners.

7. Opposing the petition, the learned State Counsel has submitted that the FIR clearly shows that both the petitioners had defrauded the complainant of a huge amount on the pretext of sending complainant's son to Canada on a tourist VISA, who instead of being sent to Canada was left in Cambodia to fend for himself from where he was deported back to India.

8. I have considered rival submissions addressed before this Court.

9. This Court finds that not only both the petitioners are specifically named in the FIR but rather a specific role is also attributed to both of them. The role attributed is not of a passive nature but they are alleged to have actively participated in defrauding the complainant. It is both the petitioners who had initially represented to the complainant that complainant's son could be sent to Canada on a tourist VISA or on study basis. Both the petitioners even thereafter had been demanding and accepting payments given by the complainant from time to time. The fact that the complainant's son was taken from India to Bangkok and from Bangkok to Cambodia virtually substantiates the allegations, as levelled in the FIR to the effect that the petitioners and other accused had taken huge amount on the pretext of sending complainant's son to Canada on tourist VISA. However, the

complainant's son was left in the lurch in Cambodia without a passport or a valid VISA. It is apparently an attempt on part of the petitioners and other co-accused to send complainant's son to Canada by some illegal means whereas it was never represented that the complainant's son was to be sent illegally to Canada. The complainant's son was left to fend for himself in an alien land and ultimately was deported from Cambodia on a white passport, which would reflect as a blot on his career for all times as deportation from one country would certainly cause hindrances in case, he has to ever again apply for a VISA for any country. By this entire scam, the complainant had been deprieved of an amount of ₹12,87,018/- apart from the inconvenience and harassment while putting the complainant's son life into danger in foreign land.

10. No special case for grant of anticipatory bail is made out. The petition is sans merit and is hereby dismissed.

20.8.2021 **(Gurvinder Singh Gill)**
kamal **Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No