In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-35704-2020 (O&M)
Date of Decision:- 22.2.2021

Sunita Rani … Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Savita Rana, Advocate, for the petitioner.

Mr. Balbir Singh Sewak, Addl. A.G. Punjab, assisted by ASI Prem Lal.

Mr. Navdeep Singh, Advocate, for the complainant.

(Proceedings conducted through video conferencing)

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GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No.94, dated 11.6.2020, Police Station Division No.4, Ludhiana, under Sections 420, 120-B IPC and Section 24 of Immigration Act.

2. The FIR in question was lodged at the instance of Jagmeet Singh Rai wherein it is alleged that Vicky Rattu was his friend and who knew that the complainant wished to settle in Canada. Vicky Rattu introduced the complainant to petitioner-Sunita Rani while representing that she was into immigration business and had also contested parliamentary election from Chandigarh. Vicky Rattu arranged a meeting of the complainant and his friends with petitioner-

Sunita who represented that she could send the complainant or any of his friends to Canada on permanent residency basis along with work permit for 2 years for an amount of ₹32 lakhs per person and that an amount of ₹4 lakhs would have to be paid in advance per person. An agreement was signed between the complainant and Sunita and a payment of ₹4 lakhs was paid by way of self-cheque bearing No. 292125 dated 19.7.2018, which was duly encashed. Thereafter Sunita and Vicky Rattu again demanded another amount of ₹1 lakh while representing that the complainant and his wife were to be presented before Embassy. The complainant and his wife were taken to Embassy on 8.8.2019 and thereafter Vicky Rattu informed the complainant that Visa had been issued to the complainant and to his wife and asked him to deposit another amount of ₹90,000/-. On 2.9.2019, an amount of ₹90,000/- was transferred to the account of Vicky Rattu through NEFT. The complainant was thereafter called to Calcutta where Sunita and Vicky Rattu introduced the complainant to one Rohit Paul. Said Rohit Paul showed Visa to the complainant and to his wife and asked them to pay another amount of ₹4 lakhs. The said amount was accordingly paid in cash to the accused on 4.9.2019. Though the accused demanded complete payment but the complainant told them that he has to raise a loan from the bank. The complainant told them that at that point of time he could only pay an amount of ₹2.10 lakhs by way of withdrawing the same from his account. Accordingly, the complainant withdrew an amount of ₹2.10 lakhs from PNB Branch at Calcutta through cheque bearing

No.292127 and paid the same to the three accused namely Sunita, Vicky Rattu and Rohit Paul. After returning back to Ludhaiana the complainant asked the accused to procure a Visa for his daughter as well, upon which the accused asked for complete payment. The complainant after availing gold loan of ₹8 lakhs and after receiving a friendly loan of ₹2 lakhs from his friend Kunal gave an amount of ₹10 lakhs to Sunita and Vicky Rattu on 17.9.2019. Thereafter on 3.10.2019 Sunita and Vicky Rattu showed a copy of Visa of complainant's daughter and demanded another ₹3 lakhs which was given to them on 3.10.2019. However, upon seeing the copy of Visa, the complainant became suspicious as the date of issue of Visa was shown as 7.8.2019 whereas the application for issuance of Visa had been submitted on 8.8.2019. The accused thereafter sent air tickets to the complainant and also made a telephonic conversation with accused Rohit Paul who demanded the balance payment. The complainant however, insisted that he would pay the balance only after receiving back the Passports and tickets. However, subsequently the phone of Rohit Paul used to remain switched off. The complainant kept on visiting Vicky Rattu and Sunita who introduced him to Ganesh who arranged for a talk with Rohit Paul. Rohit Paul assured that he would arrange for tickets within a week and asked him to come to Mumbai. It is alleged that although the complainant and his friend went to Bombay but could not meet Rohit Paul and ultimately returned back. After returning back the complainant asked Rohit Paul to return their Passports and tickets but

Rohit Paul refused for the same and kept on pressurizing them to pay more money. The Passports of the complainant and of his family were not returned. The complainant thus alleged that the accused had thus cheated him of an amount of more than ₹24 lakhs and that he suspects that the Visa alleged to be issued to the complainant and his family is a fake Visa.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case on account of political rivalry as she actively participated in political meetings and seminars. Learned counsel has submitted that in fact it is the petitioner who has been duped of an amount of ₹5 lakhs by Rohit Paul who run a consultancy agency for sending the people abroad and who was in league with one Paster named James Bawa who represented that he could sent people abroad and the petitioner being taken in by the said representation gave an amount of ₹6 lakhs for the purpose of sending her daughter abroad but later on she came to know that she had been given forged Visa papers by Rohit Paul. When she made a complaint to SSP, Mohali in January, 2020, she has now been got falsely implicated in the instant case. Learned counsel for the petitioner has further submitted that the bank statement of the petitioner (Annexure P-3) would show that there has been no credit of any amount in her account either by way of cheque or by way of cash as has been alleged in the FIR.

4. On the other hand, learned State counsel has submitted that there are serious allegations levelled in the FIR and which stand substantiated

from the fact that some of the payments as stated to have been made were made through NEFT or by way of encashment of cheque. It has been submitted that although the payment through NEFT was made in the account of co-accused Vicky Rattu but since the petitioner, Vicky Rattu and Rohit Paul were working together for fleecing innocent persons as has been specifically alleged, no case for grant of bail is made out.

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

6. The petitioner is not only specifically named in the FIR but in fact a perusal of the FIR would show that she has played a pivotal role right from day one in fleecing the complainant by holding out false representations and had been actively participating in depriving the complainant of huge amounts of money, a substantial amount of which had been withdrawn from his bank. In fact some transactions are also stated to have been made by way of NEFT.

7. Having regard to the aforesaid facts and circumstances and bearing in mind the nature of allegations this Court does not find any special case for grant of anticipatory bail. The petitioner is sans any merit and the same is hereby dismissed.

February 22, 2021 **(GURVINDER SINGH GILL)**
mohan **JUDGE**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No