

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-8450-2022
Date of decision : 28.02.2022

Sunita @ Sunita Kumari

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Raj Kumar Arya, Advocate
for the petitioner.

Mr.Sarabjit Singh, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 483 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.0239 dated 09.12.2021 registered under Section 420 IPC and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014 at Police Station Dinanagar, District Gurdaspur.

Learned counsel for the petitioner has submitted that in the year 2020, the petitioner and her brother had gone abroad on tourist visa and thereafter the complainant who is real aunt (chachi of the petitioner) had requested the petitioner to help her brother (maternal uncle of the petitioner) to get a tourist visa to go to the Russia by stating that she had knowledge of the procedure. It has been submitted that aunt of the petitioner deposited Rs.2,70,000/- in the account of the petitioner from time to time so that the

visa. It has further been submitted that the petitioner had arranged visa and also purchased tickets from the said amount and thereafter the uncle of the petitioner left India for Russia and after spending 15 days, returned to India and the present complaint has been lodged to harass the petitioner only to extract money from the petitioner. It has been stated that without admitting her liability and only to show her bonafide, the petitioner is ready to pay a Rs.1 lac by way of demand draft to the complainant within a period of one month from today. It has further been stated that the petitioner is not involved in any other case and is not a travel agent.

On advance notice, Mr. Sarabjit Singh Cheema, AAG, Punjab, appears and accepts notice on behalf of the respondent-State and has submitted that he is fully prepare to argue the matter and assist this Court. He has opposed the present petition for anticipatory bail and has submitted that as per the allegations in the FIR, total amount of Rs.3,20,000/- was paid, out of which Rs.50,000/- was paid in cash and Rs.2,70,000/- through another transaction. It has been submitted that in fact the said money was paid in order to get a permanent visa for employment (work visa) for the brother of the complainant and not only to get a tourist visa. It has been stated that as per the allegations, the petitioner also got the return tickets cancelled at the fag end, i.e. on the date of lapse of the said 15 days, on account of which it became very difficult for the brother of the complainant to return to India.

This Court has heard the learned counsel for the parties and perused the paper book.

The petitioner is a young girl of 27 years of age and there is no other FIR against her. Even as per the prosecution case, a total amount of

Rs.3,20,000/- was given out of which Rs.50,000/- was given in cash and the brother of the complainant had gone abroad and stayed there for 15 days. It is thus, apparent that some money had been spent, on account of which the complainant's brother stayed abroad for 15 days . The version of the petitioner is that only tourist visa was to be issued in favour of the complainant's brother, which was duly done. The question as to whether in the present case tourist visa was to be issued in favour of the complainant's brother or a work visa was to be issued, would be a moot point for trial. The petitioner, in order to show her bonafide, is ready to pay Rs.1 lac by way of demand draft in the name of the complainant without admitting her liability and is also ready to join investigation and cooperate with the investigation. The petitioner is stated to be close relative of the complainant.

Keeping in view the above said facts and circumstances, the present petition for anticipatory bail is allowed and in the event of arrest, the petitioner shall be released on bail subject to furnishing personal bonds and surety to the satisfaction of Arresting / Investigating Officer and also subject to the petitioner preparing a demand draft of Rs.1 lac in the name of the complainant which would be handed over by the petitioner to the Investigating Officer within a period of one month and the Investigating Officer is directed to hand over the same to the complainant. The said payment is being made by the petitioner to the complainant without admitting her liability. The petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) of Cr.P.C.

It is clarified that in case the petitioner does not prepare the said demand draft in the name of the complainant and deposits the same

with the Investigating Officer within a period of one month from today, then the present petition would be deemed to have been dismissed.

It is made clear, in case, the petitioner fails to join the investigation or to cooperate in the same, then the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to the petitioner.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

February 28, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No