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

CRM-M-8502-2022 (O&M)

Date of Decision: 29.04.2022

Gian Kaur

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amardeep Singh Gill, Advocate for the petitioner.
Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

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Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.17 dated 24.01.2018 registered under Section 420 IPC and Section 13 Punjab Prevention of Human Smuggling Act, 2012 at Police Station City Kapurthala, District Kapurthala. The petitioner is in custody since her arrest on 02.05.2022.

The allegations as noticed in the FIR by the ld. Addl. Sessions Judge, Kapurthala in the order dated 11.02.2022 are as under:

“Briefly stated the facts of the case are that one application bearing No.1891-PC dated 25.7.2017 filed by complainants Ravinder Singh and Davinder Singh against Makhan Singh son of Parkash Chand, Soni wife of Makhan Singh, Gian Kaur wife of Parkash Chand, Parkash Chand son of Khushia Ram and Karnail Singh was enquired by Incharge Anti Human Trafficking Unit, Kapurthala. The enquiry report reveals that the allegations were with regard to cheating the accused in the sum of Rs.48,50,000/- on the pretext of sending them Canada. In the month of June 2015, Soni wife of Makhan Singh, Gian Kaur wife of Parkash Chand and Parkash Chand son of Khushia Ram went to the house of applicants and told that Makhan Singh and his father-in-law Karnail Singh sent the persons to Canada on work permit and if they were willing they could also be sent to Canada and Rs.20 lacs were to be incurred for each person. Then in the month of July 2015, Makhan Singh, Gian Kaur and Parkash Chand took passport of applicants along with their passport size photographs. On 14.07.2015 Sant Singh and his brother Nanak Singh on asking the said persons got deposited an amount of Rs.1,50,000/- each in the account of Makhan

Singh. On 28.09.2015 Gian Kaur and Soni visited the house of accused and demanded Rs.3 lacs by showing them one copy of agreement with company at Canada. Sant Singh after withdrawing Rs.3 lacs from the account of his brother Nanak Singh handed over to Gian Kaur and Parkash Chand on next day 29.09.2015 at bus stand Nakodar. On 13.01.2016 Rs.1 lac was deposited in the account of Makhan Singh on the demand made by Gian Kaur by making phone call to Sant Singh. Then on 28.01.2016 an amount of Rs.2 lacs and then on 31.01.2016 an amount of Rs.95,000/- were deposited in the account of Makhan Singh. In March 2016, Soni, Gian Kaur and Parkash Chand received an amount of Rs.5,50,000/- at Civil Hospital, Nakodar from Sant Singh. On 30.03.2016, Makhan Singh, Soni and Gian Kaur came to the house of applicants and received another amount of Rs.50,000/-. On 30.07.2016 an amount of Rs.40,000/- and on 01.08.2016 another amount of Rs.50,000/- were deposited in the account of Makhan Singh. Then Gian Kaur while making phone call demanded an amount of Rs.16 lacs. Then on 27.09.2016 an amount of Rs.5 lacs was deposited in the account of Makhan Singh and remaining amount of Rs.11 lacs was withdrawn from UCO Bank branch Sidhwan Pandori on 28.09.2016 and Sant Singh accompanying his son Ravinder Singh, his nephew Davinder Singh, Nanak Singh and Resham Singh went to bus stand, Kapurthala and there Makhan Singh and his father-in-law Karnail Singh received said amount of Rs.11 lacs. Work permit was sent to the phone of Ravinder Singh through whatsapp and then demand of Rs.25 lacs per person was made, saying that work permit was for 5 years and not for 2 years as agreed. Then on 18.10.2016 Parkash Chand and Gian Kaur received an amount of Rs.3,65,000/- from Sant Singh at Bus Stand Nakodar. On 19.10.2016, Makhan Singh, Gian Kaur and Karnail Singh received another amount of Rs.7,11,000/- from Sant Singh at Nakodar. Then on 21.10.2016 said Travel Agents arranged flight for Ravinder Singh, Davinder Singh accused alongwith their paternal uncle Kulwant Singh and Harpreet Singh from Amritsar to Dubai. On 23.10.2016 their flight arranged for Georgia but they could not get entry in Georgia and have to return Dubai and then to Delhi Airport. Then on 31.10.2016 an amount of Rs.2,89,000/- was received by Makhan Singh in his account from Sant Singh on the pretext of arranging the Tickets again and then Makhan Singh received another amount of Rs.2 lacs on 02.11.2016 in his account. On 07.11.2016 again flight was arranged from Delhi to Dubai and then for Georgia but again the applicants could not get entry in Georgia and they had to return Delhi. During the enquiry conducted by Incharge Anti Human Trafficking Unit, Kapurthala, it was found that Makhan Singh, Gian Kaur, Soni, Parkash Chand and Karnail Singh fraudulently induced complainants and got delivered an amount of Rs.48,50,000/- from them on the pretext of sending them Canada and that accused Makhan Singh admitted to have worked as Travel Agent and also admitted that the amount of Rs.40,90,000/- was deposited in his account and that he incurred an amount of Rs.47,81,000/- for sending the four persons Canada.”

Learned counsel for the petitioner has argued that the

complainant has falsely implicated the petitioner along with her husband in the above FIR and as the investigation of the case is complete, therefore, her further custody is not necessary. He has further argued that the husband of the petitioner has already been released on regular bail by the trial Court, therefore, she also deserves the similar concession of regular bail. He prays for bail.

Learned State counsel assisted by ASI Ashok Kumar, while opposing the prayer has argued that the petitioner was earlier declared as proclaimed offender and she was arrested on 02.05.2022. However, it is not disputed that her husband has already been released on regular bail and the investigation of the case is complete and out of total fourteen prosecution witnesses, only two witnesses have been examined-in-chief.

After considering the background of the case as well as custody of the petitioner, this Court finds that the offences are triable by Magistrate and as two witnesses have been examined-in-chief out of total fourteen prosecution witnesses, therefore, the further detention of the petitioner would not serve any useful purpose, as conclusion of trial may take considerable time.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

29.04.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No