

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

CRM-M-11174-2022 (O&M)
Date of Decision:-14.9.2022

Monika Rahal

... Petitioner

Versus

State of U.T., Chandigarh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sunil Narang, Advocate for the petitioner.

Mr. Sumit Jain, AAP, U.T., Chandigarh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.0041 dated 24.2.2022, Police Station Sector-17 (Central Sector), Chandigarh under Sections 420, 120-B of Indian Penal Code and Section 24 of Immigration Act.
2. At the time of issuance of notice of motion, the following order was passed on 16.3.2022:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.0041 dated 24.2.2022, Police Station Sector-17 (Central Sector), Chandigarh under Sections 420, 120-B of Indian Penal Code and Section 24 of Immigration Act.

The FIR in question was lodged at the instance of Shalinder, wherein it is alleged that he had met Paramjit Singh and Monika

Rahal (petitioner), Proprietors of 'M/s Rahal Travels Immigration Consultants' in June 2016, who had held out a representation that they could secure 'Canadian Immigration' and 'Canadian P.R.' under Trade Certification Certificate Category. The complainant being allured by the said representation, agreed for the same and he was asked to pay an amount of Rs.10 lakhs, which he accordingly paid. It is alleged that, however, his case for P.R. under 'Trade Certification Certificate Category' was declined and later he realized that the accused had furnished bogus and fake documents and incorrect information on his behalf and, as such, had cheated him of huge amount.

Learned counsel for the petitioner submits that a false FIR has been lodged against the petitioner and her husband after about 6 years of the payment of alleged amount. Learned counsel submits that infact in the year 2016 itself an agreement had been entered into between the complainant and Rahal Travels, wherein it was clearly stipulated that the firm will not be responsible for any delay occurring in the issuance of the Trade Certification and that the amount to be paid was also clearly mentioned therein and the purpose for which the same was to be paid.

Learned counsel further submits that it is also stipulated in the agreement that in case of declining of the P.R., 50% of the initial program registration/professional fee would be refunded. Learned counsel submits that it is a case purely of civil liability and infact the complainant is also pursuing his remedy before the District Consumer Forum as regards the deficiency in service. Learned counsel submitted that the while in the present FIR it is alleged that an amount of Rs.10 lakhs has been paid but the in petition filed before District Consumer Forum, it has been alleged that an amount of Rs.5 lakhs had been paid.

Learned counsel for the petitioner further submits that in the present case, husband of the petitioner, who is mainly active in the firm namely 'M/s Rahal Travels Immigration Consultants', has already been arrested and all the documents have been recovered

and that the petitioner, who is not really into the affairs of the firm 'M/s Rahal Travels Immigration Consultants' has been implicated simply to pressurize Paramjit Singh to refund the amount in question.

Notice of motion for 14.9.2022.

At this stage, Mr. Sumit Jain, APP, U.T., Chandigarh, upon whom an advance copy of petition had already been served accepts notice on behalf of the respondent-State. Learned State counsel has submitted that in the present case the petitioner merely has a license for providing professional consultancy in the matters of immigration and that he has not been authorized to apply for P.R. etc. on behalf of any person, who intends to go abroad. Learned State counsel has pointed out that the petitioner is not registered with ICCRC (Immigration Consultants of Canada Regulatory Council), which is a must so as to offer such services. Learned State counsel has further submitted that since some of the documents are yet to be recovered, the custodial interrogation of the petitioner is absolutely necessary.

I have considered rival submissions addressed before this Court.

Having regard to the facts and circumstances of the case and while bearing in mind that Paramjit Singh, husband of the petitioner, has already been arrested and the relevant documents have already been taken into possession and while also bearing in mind that the petitioner is a lady, it is ordered that the petitioner, in the event of arrest, be released on interim bail subject to her furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Learned State counsel representing the respondent-U.T., Chandigarh has informed that pursuant to interim directions, the petitioner has already joined

investigation and is not required for any custodial interrogation. It has also been informed that although three other complaints are pending against the petitioner but no FIR has been registered so far in respect of the same.

4. Having regard to the facts and circumstances and while noticing that the petitioner is stated to have joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 16.3.2022 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

14.9.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No