

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**CRM-M-27908 of 2022
Date of Decision:01.08.2022**

Shilpi

---Petitioner

versus

State of Punjab

---Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Monty Goyal, Advocate
for the petitioner
Mr. Karanbir Singh, AAG, Punjab

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 by the petitioner for seeking concession of regular bail in case bearing FIR No. 105 dated 29.04.2022 under Sections 420 and 120-B of the Indian Penal Code, 1860 and Section 24 of the Immigration Act registered at Police Station Division No. 5, Ludhiana, District Ludhiana.

The facts leading to registration of the instant FIR are reproduced as under:-

“As per complaint made by complainant Ravi Kumar @ Tinka, he used to learn work of making Tatoo in Kips Market, Ludhiana. He was interested to go abroad and he want to work there in order to keep his family happy and upon which he talked with one of his friend namely Shilpy who was earlier resident of Railway Colony No. 6 and thereafter she started residing at Harpal Nagar, Shivani Confectionary Street,

Near Gulmohar Hotel. Shilpy told him that her elder sister namely Chandni @ Bharti used to do work of sending people abroad. If he says, then she can talk to her sister and after which he trusted Shilpy as she was his friend earlier. He contacted elder sister of Shilpy on her phone having mobile No. 6280168373 and after taking him into confidence she told him that she will send him to Canada on work permit and for the same he have to pay her Rs. 16 Lakhs, out of which he have to pay half of the amount before visa process and rest of the amount have to be paid after filing of bonds. He had paid Rs. 1,00,000/- to Chandni @ Bharti on 13.07.12020 in her Federal Bank Account bearing No. 13720100052222, Rs. 50,000/- on 18.07.2020, Rs. 10,000/- on 27.07.2020, Rs. 40,000/- on 19.08.2020, Rs. 50,000/- on 21.08.2020 and Rs. 60,000/- on 10.09.2020 in the bank account of Chandni @ Bharti. Thereafter, Shilpy and her sister Chandni @ Bharti met him at bus stand and told him that his work has almost done and he had to arrange Rs. 2.5 lakhs. Then Shilpy and Chandni @ Bharti came to his house and taken Rs. 2.5 lakhs in cash, which amount he had taken from his friend Malkit Singh, his maternal aunt namely Aarti and some other relatives. He used to talk to Chandni @ Bharti on phone but Chandni @ Bharti has not sent him abroad nor his money was returned despite repeated requests rather they threatened him that they were not going to return his money back and do whatever he can do. He cannot do anything to them as they

have relations with higher authorities. He states that he is in possessions of receipts, bank statements and chats which he can produce and when required.”

Learned counsel for the petitioner contends that the only attribution against the petitioner as per the FIR is that she had introduced the complainant to her elder sister namely Chandni @ Bharti and that thereafter complainant had been in contact with Chandni @ Bharti. The amount alleged to have been given by the complainant was also handed over to said Chandni @ Bharti and not to the petitioner. It is further contended that the petitioner does not suffer from any criminal antecedents and the investigation qua the petitioner is already concluded. No recovery of any nature had been effected from the petitioner and that charge has not been framed so far. It is further contended that Magisterial trial is likely to take long time.

Learned State counsel, however, states that the petitioner alongwith her co-accused namely Chandni @ Bharti had allured the complainant to part with huge sum of money (Rs. 16.60 lakhs) on the pretext of sending her abroad and that neither the complainant had been sent abroad nor the money was returned. He, however, does not controvert the fact that the petitioner does not suffer from any criminal antecedents and that charge has not been framed in the present case. It is also not disputed that no recovery had been effected at the instance of the petitioner despite concluded investigation.

I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their assistance.

Taking into consideration the circumstances noticed above,

stage of trial, the age of the petitioner, the clean antecedents and in the absence of any recovery from the petitioner, the instant petition is allowed and the petitioner is ordered to be released on bail on her furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

The petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

01.08.2022

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No