

CRM-M-39004 of 2022

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

CRM-M-39004 of 2022
Date of decision: 15.11.2022

Shaweta

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Chandan Singh Rana, Advocate,
for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

NAMIT KUMAR, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Cr.P.C. seeking pre-arrest bail in case FIR No.147 dated 14.06.2022 under Sections 420, 406 IPC registered at Police Station Model Town, Hoshiarpur.

The case of the prosecution is that one application No.547- SSP dated 6.4.2022 was moved by complainant Tajinder Singh s/o Jasvir Singh, resident of village Bham, P.S Chabbewal, District Hoshiarpur, against Shaweta (petitioner) d/o Rakesh Kumar and Samar on the allegations that in the year 2020 he went to the house of his relative Gobind Mehmi r/o Naloyian Chowk, Hoshiarpur and petitioner and her father were present there. Petitioner told him that she is working as agent with one Samar resident of Amritsar and if he or any of his acquaintances

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wants to go abroad then they can send him to Russia on work permit. Then, he (complainant) told her that he wanted to go to Russia on work permit. Thereafter, petitioner took his original passport and copies of other documents and said that they would charge ₹2,50,000/- for this and demanded ₹1,50,000/- in advance. It has been further alleged that complainant paid ₹50,000/- to the petitioner in the presence of her father and Gobind Mehmi. At that time, petitioner gave him two cheques amounting to ₹17,200/- each only to give him assurance so that he would pay the remaining amount to them without any fear. Four days after paying the amount his medical was done at Jalandhar. After the medical they showed him a fake visa in July 2020 and took ₹1,00,000/- from him. When the complainant came to know about the fake visa he demanded his passport and money, but the accused neither send him abroad nor returned the money. After thorough investigation present case was registered.

Learned counsel for the petitioner had sought time on 31.08.2022 for getting instructions from the petitioner as to whether she is ready to return the money to the complainant and the case was adjourned for 09.09.2022. Again adjournment was sought by the learned counsel for the petitioner on 09.09.2022 and 30.09.2022. However, today statement has been made that the petitioner is not willing to return the money to the complainant and her bail application may be considered on merits.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that there is delay of two years in lodging the FIR as the alleged incident

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relates to July, 2020 and the FIR has been registered on 14.06.2022 and that there is violation of Section 41-A of the Code of Criminal Procedure. Learned counsel further submits that compromise dated 05.05.2022 (Annexure P-2) has been effected between the parties and as per said compromise it was agreed that co-accused, namely, Sonu @ Samar shall pay ₹1,31,000/- to the complainant-party and shall deposit ₹25,000/- in the account of the petitioner on 22.05.2022, who shall further handover the said amount to complainant-Tejinder Singh. Similarly, co-accused Sonu @ Samar would continue to pay the said amount on 22nd day of every month in the account of the petitioner and shall be responsible to pay this amount to complainant and would clear the said amount in five instalments. However, the said compromise has not been adhered to by the accused persons as the money has not been returned to the complainant. He argues that petitioner is not the main accused as is clear from the terms of the compromise and, therefore, she may be granted anticipatory bail in the present case.

Per contra, learned State counsel submits that an organised racket is being run by the petitioner along with other co-accused for alluring innocent youths on the pretext of sending and settling them abroad and huge amount is being received by these illegal agents for transporting the innocent youths to the foreign lands and number of young persons have lost their life in attempt to go abroad through illegal means. He further submits that keeping in view the seriousness of allegations and gravity of offence, custodial interrogation of the petitioner is required.

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Keeping in view the aforementioned facts and circumstances of the case, no ground is made out for grant of concession of pre-arrest bail to the petitioner and, therefore, the petition is dismissed.

15.11.2022
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No