

**105+ 225 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-38600-2022 in/and
CRM-M-43243-2022
Date of Decision:29.10.2022**

Pooja Mahajan

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Rahul Bhargava, Advocate, for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab assisted
by ASI Sandeep Kumar.

N.S.Shekhawat J. (Oral)

CRM-38600-2022

Application is allowed, as prayed for.

CRM-M-43243-2022

The petitioner has filed the instant petition under Section 439 Cr.P.C. with a prayer to grant a regular bail in case FIR No.141 dated 11.12.2015 under Sections 420, 506, 120-B of IPC registered at Police Station Phase 11-Mohali (Annexure P-1).

The FIR in the instant case was registered on the basis of a written complaint moved by Ravi Kumar S/o Kiranpal. As per the complainant, he had seen the advertisement of a Company M/s Bharti Education and Immigration Consultancy Services, Mohali on television that the Company provides student visa with guarantee to go to Australia. The complainant also wanted to go abroad and he met the present petitioner who described herself as the Managing Director of the Company. The petitioner talked to her employer Davinder Singh Gill and Krispy Khera, who demanded a sum of Rs.5 lacs from the

complainant. On the next day, the complainant reached Mohali with his uncle and also took his passport, his certificates along with IELTS certificates and gave all the documents to the petitioner. The petitioner had also taken a sum of Rs.22,000/- from him and gave it to one Himani Sharma. After some time, the complainant along with his uncle went to the accused and gave a total sum of Rs.4,36,000/- to Davinder Singh Gill, Krispy Khera, petitioner-Pooja and Himani Sharma. Later on, the complainant came to know that the company had kept the file with itself and had not taken any action. The complainant requested them to return the money and the documents, but he was threatened and he prayed for action against Davinder Singh Gill, Krispy Khera, Petitioner-Pooja, Himani Sharma and Samreeta Garcha, who had not returned the money to the complainant and had cheated him.

Learned counsel appearing for the petitioner submits that she is a household lady and having two minor children to support and has been falsely implicated in the instant case. She was merely working as a Counsellor in the said consultancy Services and was issued an appointment letter dated 12.10.2012 (Annexure P-2) and she joined her services on the monthly salary of Rs.12,000/- per month. The petitioner resigned from the said Company on 26.12.2015 and was issued an Experience Certificate (Annexure P-3) also. He further submits that no role has been attributed to the petitioner in the FIR except the fact that the complainant had met the petitioner at the reception and handed over the initial fee of Rs.22,000/- to her to apply for study visa and she had rather given the same to Himani Sharma. Still further, the said Company was owned by Davinder Singh Gill and his wife Krispy Khera and the complainant was well aware of the said fact. Still further, the petitioner has

been falsely implicated in the instant case. Still further, she is in custody in the instant case and the investigation is complete in all respects.

Learned counsel for the petitioner has also referred to the bail order of co-accused-Davinder Singh Gill (Annexure P-4) and submitted that the case of the petitioner is on better footing and she deserves the concession of bail by this Court.

Learned counsel for the petitioner has also referred to the observations made by learned Additional Sessions Judge, SAS Nagar in Para No. 5 of the order and the relevant extract of the order is reproduced below:-

“5. This Court is of the considered view that today Lakhvir Singh, the complainant, who has been identified by his counsel, has come present and has made a statement in writing, whereby he has stated that he is the complainant in this case and he has compromised the matter with the petitioner/accused Davinder Singh and has sworn in his affidavit to this effect, which is Ex.A1. He has further stated that he has no objection, if the bail is granted to the petitioner/accused Davinder Singh.

Mr. Kunl Siag, Advocate for the petitioner/accused Davinder Singh has also submitted that as per instructions received from the petitioner/accused Davinder Singh Sandhu, who is confined in the District Jail, Sangrur at present, the petitioner/accused has compromised the matter with the complainant and as per compromise, complainant has tendered an affidavit qua compromise as Ex.A1. He has further submitted that as per instructions received by him from the petitioner/accused, the petitioner/accused agreed to the aforesaid compromise/proposal of the complainant. He has further submitted that the present petitioner has also made the respective payments to the other affected persons/victims in this case.

Furthermore, this Court is of the considered view that the present petitioner has been arrested in this case on dated 18.10.2021 and he has been in judicial custody since 21.10.2021. Furthermore, the petitioner has already suffered custodial interrogation and nothing is to be recovered from the person of the present petitioner as such. Furthermore, the investigation of the present case is at its initial stage and conclusion of investigation and trial will take considerable time. Furthermore, no useful purpose will be served by keeping the present petitioner in further judicial custody. Moreover, the petitioner has made the respective payments to the affected persons/victims/complainant in this case and this fact is not disputed by the Learned Additional P.P. for the State after receiving instructions from the Investigating Officer.”

Learned State counsel has vehemently opposed the grant of regular bail to the petitioner and submitted that she along with her co-accused have cheated number of innocent students. He further contents that several other cases have been also registered against the present petitioner on the complaint of various other persons as well. He, however, admits that the co-accused Davinder Singh Gill is also accused in the said cases and still he has been granted the concession of bail vide order Annexure P-4.

Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Illaqha Magistrate/Duty Magistrate/Chief Judicial Magistrate, concerned.

29.10.2022
hemlata

(N.S.SHEKHAWAT)
JUDGE

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