

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

(1) **CRM-M-49659-2022 (O&M)**

Kamal Preet Malhotra ...Petitioner

Versus

State of Punjab ...Respondent

(2) **CRM-M-48431-2022 (O&M)**

Ankita Sharma @ Ankita ...Petitioner

Versus

State of Punjab ...Respondent

Date of Decision:- 7.12.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Gautam Kaile, Advocate for the petitioner
in CRM-M-49659-2022.

Mr. Satish Garg and Mr. Anil Soni, Advocates for the petitioner
in CRM-M-48431-2022.

Ms. Swati Batra, DAG, Punjab.

Mr. Ramneek Singh Baweja, Advocate for the complainant.

GURVINDER SINGH GILL, J.

1. This order shall dispose off the above mentioned two petitions filed on behalf of Kamal Preet Malhotra and Ankita Sharma @ Ankita seeking grant of anticipatory bail in a case registered against them vide FIR No. 118 dated 19.6.2022 under Sections 420, 120-B, 467, 468, 471 IPC at Police Station Kotwalia Patiala, District Patiala.

2. The FIR in question was lodged at the instance of Charan Kanwal Singh wherein it is alleged that he had applied for study VISA to study at Conistoga College, Kichnar, Canada in the month of June, 2021. His case was processed by I.D.P. Immigration Chandigarh and he gave an amount of ₹10 lacs to Kamal Preet Malhotra and his wife Ankita in July, 2021 for the purpose of depositing fee with the college in question. However, the accused deposited fee only to the extent of 4000 Canadian Dollars (CAD) and did not deposit 5000 CAD and 8950 CAD (₹8,23,000/- approximately). When, in January, 2022, the petitioner was not permitted to undergo online classes by the College, he contacted the college authorities, who informed him that his fee had not been deposited and had been returned back to service provider. The complainant, however, was never informed about the same. When he repeatedly contacted the accused, he was furnished with two receipts for 6684.50 USD and 4252 USD by Kamal Preet Malhotra, who stated that her fee had been deposited in the college. The complainant alleged that as a matter of fact, he had been defrauded and no such fee had ever been deposited with the college and ultimately his admission was cancelled on 9.2.2022. When the complainant sent the receipts to the college, he was informed by the college authorities vide their e-mail dated 10.2.2022 that the said payments have not been received. The complainant, thus, alleged that he had been cheated of huge amount and consequently, his academic year had also been wasted.
3. The learned counsel for the petitioners have submitted that the petitioners have falsely been implicated in the present case and that the FIR has been lodged simply to extract money from the accused. It has further been

submitted that in any case, the allegations, as levelled, would constitute a civil liability only and no criminal offence is made out. On behalf of petitioner Ankita Sharma, an additional argument has been made to the effect that she is not related to the accused Kamal Preet Malhotra in any manner and is not his wife, as is being alleged in the FIR and as such, no liability can be fastened upon her in case Kamal Preet Malhotra had committed any fraud.

4. Opposing the petition, the learned State counsel, assisted by counsel for the complainant, has submitted that since both the petitioners are specifically named in the FIR and had defrauded the complainant of huge amount, as is also borne out from the correspondence received from the college concerned, no special case for grant of anticipatory bail is made out.
5. The learned State counsel has further informed that the petitioner Ankita Sharma had been residing alongwith petitioner Kamal Preet Malhotra as his wife, whether or not she was formally married to him and was part and parcel of the entire scam. The learned State counsel has informed that the police, during investigation, had recorded the statement of the landlady Mamta Khurana in whose house the accused had been residing together as husband and wife and that as a matter of fact the address as mentioned in the Aadhar Card of Ankita Sharma i.e. 325-A, Gali No. 3, Gurbax Colony, Patiala is the house of her landlady Mamta Khurana, whose statement has been recorded by the police who has categorically stated that both the accused had taken her house on rent and projected themselves as husband and wife.
6. This Court has considered the rival submissions.

7. This Court finds that both the petitioners are specifically named in the FIR and specific allegations of the petitioners having usurped huge amount given by the complainant as fee have been levelled therein. The accused are not denying having received the said amount but have taken a stand that they had further deposited the amount with the college authorities in Canada. However, the correspondence as received from the Canadian authorities shows that no such amount had ever been received. The petitioners' counsel could not furnish any explanation as to where the said amount has been credited. Though, the learned counsel representing Ankita Sharma vehemently argued that Ankita Sharma is not wife of Kamal Preet Malhotra and has nothing to do with him but the police during investigation has recorded statement of the landlady who stated that both the petitioners had taken her house i.e. H.No. 325-A, Street No.3, Gurbax Colony, Patiala on rent and had been residing there as husband and wife. Even the Aadhar card of petitioner Ankita Sharma bears the address of the house of their landlady. In these circumstances, this Court finds that both the petitioners had been residing together and were hands-in-gloves for commission of the offences in question. No special case is made out for grant of anticipatory bail.
8. Both the petitions are sans merit and are hereby dismissed.
9. A photocopy of this order be placed on the file of connected cases.

7.12.2022

kamal

(Gurvinder Singh Gill)
JudgeWhether speaking /reasoned
Whether ReportableYes / No
Yes / No