IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.207

Case No. : CRM-M-4724-2023

Date of Decision : March 02, 2023

Karamjit Kaur .... Petitioner

vs.

State of Punjab .... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

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Present : Mr. N. K. Vasudeva, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

Mr. Abhishek Khullar, Advocate
for the complainant.

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GURBIR SINGH, J. :

This is a petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.02 dated 03.01.2023, under Sections 420, 120-B IPC, 1860 and Section 24 of the Immigration Act, 1983, registered at Police Station Division No.7, District Ludhiana.

The case in question was registered on the basis of complaint filed by Mehar Singh that he was working as ASI in the Police Department. One Manjit Kaur wife of Joginder Singh was residing in his neighbourhood. The son of the complainant namely Arundeep Singh had already cleared IELTS test. He wanted to send his son abroad. Joginder Singh told him that he knew one lady namely Karamjit Kaur (the present petitioner) and she could be called for getting advice for sending his son abroad. Accordingly, she was called and a sum of Rs.50,000/- was given to her for offer letter. After one week, she was again called by Manjit Kaur at her quarter. The complainant gave her a sum of Rs.6,00,000/- in presence of Manjit Kaur by taking the said amount as loan from HDFC Bank. After some days, again a sum of Rs.3,00,000/- and Rs.2,00,000/- was paid to her at Partap Chowk in presence of Manjit Kaur. Thereafter, a sum of Rs.3,00,000/- was transferred to her through Google Pay and Rs.60,000/- was given for insurance. The petitioner got delivered an offer letter for son of the complainant and thereafter, she did not take any step for sending him abroad. She was threatening if they would harass her, then she would take some poisonous substance and would die and they (the complainant party) would be held responsible for the same. The petitioner returned a sum of Rs.1,82,000/- out of the received amount from the complainant but did not return Rs.13,28,000/-.

Learned counsel for the complainant has placed on the file screenshots of the WhatsApp chats.

Learned counsel for the petitioner has argued that that the complainant is working as Assistant Sub Inspector in the Police Department at Ludhiana. It is not believable that the complainant would pay such a huge amount without verifying authenticity of the petitioner. The petitioner is not involved in any way in sending the son of the complainant abroad. She has been falsely implicated. The FIR is silent regarding date, time of giving money and name or address of the travel agency. The complainant, being a member of the police force, did not verify about the act of the petitioner and continued to give money. These are all the allegations, which are concocted.

Learned counsel has further apprised this Court that the complainant was indebted to the petitioner for a sum of Rs.12,50,000/- which he had taken from her to send his son abroad through a travel agency known to him at Ludhiana. When he failed to send his son abroad, he returned Rs.6,70,000/- to the petitioner at different levels and to discharge his liability, issued a cheque amounting to Rs.5,50,000/-, but the same was dishonoured on presentation. Thereafter, a legal notice dated 28.09.2022 was served on the complainant and complaint under Section 138 of the NI Act was filed on 15.10.2022. The complainant was summoned in the said complaint. The complainant, being a member of police force, got the instant FIR lodged thereafter.

Learned counsel for the petitioner has further argued that the complainant had obtained some signed blank documents from the petitioner on the pretext of sending her son abroad. The entire dispute is, in fact, both – the petitioner and the complainant wanted to send their sons abroad. So, the complainant introduced the petitioner to a travel agency namely Ambition having its office at Ludhiana and one of the Branch Office at Khanna. The petitioner is a single mother having a minor son. The petitioner filed a Civil Suit against the complainant to return the documents in possession of the complainant and the same is pending. The entire case is based upon documentary evidence. The custodial interrogation of the petitioner is not required at all. So, she be granted concession of anticipatory bail.

Learned State Counsel and learned counsel for the complainant have opposed the present petition. It has been submitted that the petitioner is indulging in cheating the others. One another FIR No.0166 dated 31.12.2020 under Sections 420, 120-B IPC, 1860 and Section 24 of the Immigration Act, 1983, has also been registered against the petitioner at Police Station Sadar, District Ludhiana. Part of the transactions were in cash and part of those were through bank. Different amounts were transferred in the name of the petitioner. There are chats which clearly establish that son of the complainant was being sent abroad by the petitioner. From the vernacular copy of the FIR in hand, it is clear that DIG sent the complaint of the complainant to the SHO concerned on 09.09.2022. On coming to know about it, the petitioner, who was having blank cheque, filled in the same and presented before the Bank .

Learned counsel for the complainant has also referred to a chat from Phone Number 7508792567 (the number owned by the petitioner herself, as per "Memo of Parties") which shows that different documents were sought from the complainant including a blank cheque signed by the complainant. Therefore, custodial interrogation of the petitioner is required. In support of his contentions, he has relied upon a judgment of Hon'ble Supreme Court in the case of **Sumitha Pradeep vs. Arun Kumar C.K. And another** reported as **2022 LiveLaw (SC) 870**, decided on 21.10.2022.

Heard.

The allegations levelled against the petitioner are very serious. It is not a case whereby allegations were levelled regarding the payment of amount in cash. The payments are through Google Pay and through Bank as well. The possibility of taking blank cheque as security for the amount for sending the son of the complainant abroad cannot be ruled out. It is a question of investigation. Although the petitioner is a lady but she has come with an interesting version that her son and son of the complainant – both were to be sent abroad. So, there were financial transactions. Such complicated issues have been raised by the petitioner herself. There are many WhatsApp chats which establish active role of the petitoner. Her custodial interrogation is necessary to unearth the truth.

In view of what has been discussed in the preceding paragraphs, without commenting upon the merits of the case and keeping in view gravity of offence and the fact that the custodial interrogation of the petitioner is required to bring the truth on file, I do not find it a fit case to grant anticipatory bail to the petitioner.

Dismissed.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

March 02, 2023 **(GURBIR SINGH)**
monika **JUDGE**

Whether speaking/reasoned ?	*Yes/No.*
Whether reportable ?	*Yes/No.*