

CRM-M-7432-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-7432-2023

Date of decision: 07.07.2023

Mishra Bhatt

.....Petitioner

versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**

Present: Mr. Rahul Verma, Advocate for  
Mr. P.B.S. Gorya, Advocate  
for the petitioner.

Ms. Anju Sharma Kaushik, D.A.G., Punjab.

Mr. Ashwani Bakshi, Advocate  
for the complainant.

**NAMIT KUMAR, J. (ORAL)**

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.135 dated 16.11.2022 under Sections 420, 405 and 506 of IPC and Section 13 of the Punjab Travel Professionals (Regulation) Act and Section 24 of the Immigration Act registered at Police Station Division No.1, District Pathankot.

2. Present FIR has been registered on the complaint of complainant Narinder Kaur on the allegations that she is a divorcée and has one son namely Gurleen Singh Bajwa. In the year 2018, her son Gurleen Singh Bajwa was studying in Partap World School, Pathankot. One Burhaan son of Mohammad Billa resident of Amar Avenue Colony, Ward no.28,

Prem Nagar, Pathankot was also studying with her son Gurleen Singh

**CRM-M-7432-2023**

Bajwa. Gurleen Singh Bajwa and Burhaan became friend. The name of mother of Burhaan is Mishra Bhat (petitioner). They started visiting her house. His mother is working as a Constable in J&K Police and started visiting her house in bag Cars/Vehicles and her family is settled abroad. She intends to send her son abroad. The petitioner told her that she is also doing the work of immigration and further told her that if she intends to send her son abroad, then get him to do IELTS. In the month of August, Gurleen did his IELTS. The petitioner told them that she will send him abroad and demanded Rs.16 Lakhs from them in two installments. In August, 2018 they gave Rs.5,50,000/-. Then she told them to pay the remaining amount later on. In March, 2019 she received an amount of Rs.7,00,000/- from them and thereafter in April, 2019 she received an amount of Rs.3,50,000/- from them. In July, 2019 she told them that the Visa of her son has been refused and gave assurance that she will return their amount within six months, but later on when they made several telephone calls to her, then she always told them to return the amounts. Till date she failed to return their amount. Since 18.07.2022 neither she is picking up their phone calls nor gave any reply. They are in possession of the call recording with them as proof. Later on they came to know that one case has also been filed against her by Allahabad Bank in which order regarding attachment of her property has been passed and she had also obtained a loan of Rs.5,00,000/- from Shri Ram Finance Company, but failed to repay the same and an amount of Rs.10,00,000/- is outstanding against her. She has also cheated other person to the tune of Rs.5,50,000/- which she never paid till date. Whenever they

**CRM-M-7432-2023**

made call to her, she replied that she is working in J&K police and is having high links with the politicians and higher police officers and she will manage to kill her and her son.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. He further submits that there is contradiction in the statement of the complainant given before the police and the statement got recorded in the Court as she has not mentioned any date of giving money to the petitioner in her statement before the Court. No documentary evidence has been adduced by the prosecution side and even source of income has also not been disclosed. He further submits that the petitioner is in custody since 16.11.2022. He further submits that investigation in the present case is complete; challan has been presented; charges have been framed; out of total 18 prosecution witnesses only 08 have been examined so far and trial may take a considerable time to conclude. She is not involved in any other case. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

4. Per contra, learned State counsel assisted by learned counsel for the complainant, while placing on record custody certificate has opposed the prayer for grant of regular bail to the petitioner as she has cheated the complainant on the pretext of sending her son abroad. However, she could not dispute that the petitioner is in custody for the last more than 07 months; investigation in the present case is complete; challan has been presented; charges have been framed; out of total 18 prosecution witnesses only 08 have been examined so far; trial may take a considerable time to conclude

CRM-M-7432-2023

and she is not involved in any other case.

5. I have heard learned counsel for the parties and perused the record.

6. Keeping in view the custody of the petitioner, which is 07 months and 20 days; investigation is complete; challan has been presented; charges have been framed and out of 18 witnesses, only 08 prosecution witnesses have been examined; petitioner is not involved in any other case and trial is likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on her furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

7. The petition stands disposed of accordingly.

07.07.2023  
kothiyal

(NAMIT KUMAR)  
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No