

2023:PHHC:124860

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

CRM-M-21198-2023 (O&M)
Reserved on : 13.09.2023
Pronounced: 15.09.2023

Amandeep Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Arshpreet Khadial, Advocate
for the petitioner.

Mr. C.L. Pawar, Addl. AG Punjab.

Mr. K.B. Raheja, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

1. Through this third petition, the petitioner seeks anticipatory bail in case bearing FIR No.160 dated 28.07.2022, registered under Sections 420, 406, 506 and 120-B IPC at Police Station Kotwali Patiala, District Patiala, the first two bail petitions having been dismissed as withdrawn vide orders dated 17.10.2022 and 14.12.2022, respectively.
2. Vide order dated 26.07.2023 passed by this Court, the arrest of the petitioner was stayed.
3. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case, which was registered after a delay of 72 days; that the petitioner has not known the complainant; that neither the

2023:PHHC:124860

petitioner was named in the FIR nor any specific role has been attributed to her; that the petitioner was referred to as Harry Sandhu's wife in the FIR, whereas the name of the petitioner's husband is Deepinder Singh Sandhu; that there is no allegation of an inducement against the petitioner; that even not a single penny has been received by the petitioner; that the complainant in the present case and one Gurmukh Singh-complainant in FIR No.130 dated 13.12.2022 registered under Sections 406, 420, 120-B IPC, at Police Station Urban Estate, Patiala, are close friends and in connivance with each other, they lodged the said FIRs mentioning same amount i.e. Rs.8,25,000/- allegedly paid in advance to the husband of the petitioner; that the petitioner has no connection with accused Udaypal Singh Shergill and Balwinder Kaur (husband and wife) and that the present FIR contains totally false, baseless and frivolous allegations.

4. Learned State counsel, while opposing the submissions advanced by the learned counsel for the petitioner, contends that the petitioner and her husband are habitual offenders and are involved in two other similar FIRs; that they are not staying at the given addresses and are playing fraud with the innocent persons on the pretext of sending them abroad. It is further submitted that the present FIR, was registered after a detailed inquiry that in FIR No. 140 dated 19.06.2019 registered under Sections 420, 120B IPC, Police Station City, Kotkapura, District Faridkot, the petitioner has admitted her being the wife of Deepinder Singh Sandhu @ Harry Sandhu. It is yet further submitted that the petitioner in connivance with her husband, has duped the complainant of a huge amount of Rs.34,25,000/- and now she is trying to hoodwink the Court, by twisting the facts.

2023:PHHC:124860

5. Learned counsel for the complainant submits that earlier the complainant and Gurmukh Singh-complainant of FIR No.130 aforesaid were not friends and that they came to know about each other, when they had approached the Police in connection with their complaints. He would further submit that while dismissing the bail application of the petitioner, the learned trial Court has observed that it is a very grave offence and all the accused persons after hatching a conspiracy, played a fraud upon the complainant especially on the pretext of sending the complainant abroad.

6. While relying upon a judgment of the Coordinate Bench in CRM-M-24400-2022 – Ashok Kumar Vs. State of Haryana, decided on 31.05.2022, learned counsel for the complainant would submit that there is no change of circumstance than the earlier petition and that filing of the successive petition, should be dismissed with heavy costs, being an abuse of process of law.

7. Learned State counsel and learned counsel for the complainant also rely upon the judgment of the Hon'ble Supreme Court in Md. Shamim Khan Vs. State of Jharkhand, 2022(1) CrI. CC 475, wherein it has been held that filing of second application for the anticipatory bail, when the first was rejected, should be deprecated. It is also pointed out that the petitioner is involved in other criminal cases as well, whereas in Para No. 17 of the petition, it has been mentioned that no other FIR has been registered against the petitioner. It is, thus, submitted that the petitioner has concealed the material facts from this Court, with a sole motive to obtain the desired relief.

8. I have heard the learned counsel for the parties and have also gone through the documents on record. .

2023:PHHC:124860

9. The petitioner and her husband have been involved in two other cases i.e. FIR Nos. 130 dated 13.12.2022 and FIR No. 140 dated 19.06.2019 aforesaid. The complainants in the said FIRs have alleged that they have been duped of Rs.19 Lakh and Rs.15,30,000/- respectively. In the instant case, the complainant has alleged that the petitioner in connivance with her husband, has duped the complainant of a huge amount of Rs.34,25,000/-. All these FIRs, are in connection with fleecing the people to settle them abroad. The allegations against the petitioner are very serious. All this seems to be part of a bigger racket of cheating the innocent people of their hard earned money. In these circumstances, the custodial interrogation of the petitioner is required to unearth the said racket.

10. Additionally, it may be noticed that a Coordinate Bench of this Court, while dismissing the first petition for anticipation bail filed by the petitioner vide order dated 17.10.2022, had specifically noticed as under:-

“Learned counsel for the petitioner seeks withdrawal of the present petition and submits that in case petitioner surrenders before learned Court below, her regular bail application may be decided within two weeks.

Dismissed as withdrawn.

In case petitioner surrenders before concerned Court within two weeks from today, and moves regular bail application, Court will make all possible efforts to decide the same within two weeks from the date of its filing.”

The said fact would clearly show that the petitioner did not honour the undertaking given by her counsel in the Court. Therefore, even on

2023:PHHC:124860

this count, no indulgence can be granted. The petitioner along with co-accused have cheated and duped the complainant of Rs.34,25,000/- on the pretext of settling the complainant abroad on business visa.

11. In view of the above, finding no merit in the present petition, the same is hereby dismissed.

(HARNARESH SINGH GILL)
JUDGE

15.09.2023
Mangal Singh

<i>Whether reasoned/speaking?</i>	<i>Yes/No</i>
<i>Whether reportable?</i>	<i>Yes/No</i>