

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

CRM-M No.22591 of 2023 (O&M)

Date of Decision: 07.08.2023

Sumpreet Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Ritesh Pandey & Mr. Manoj R. Sharma, Advocates
for the petitioner.

Mr. Amish Sharma, AAG, Punjab for the respondent.

Mr. Gursharan Singh, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of bail pending trial to the petitioner in FIR No.18 dated 30.04.2022 (P-1), under Sections 420, 467, 468, 471, 120-B of the Indian Penal Code, 1860 and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014 (*sic- 2012*), registered at Police Station Purana Shalla, District Gurdaspur.

(2) It transpires that above FIR was registered on the basis of statement made by complainant-Madhu Bala with the allegations that petitioner-Sumpreet Kaur along with her brother, namely, Lovepreet Singh had received an amount of Rs.4.5 Lakh on the pretext of sending the husband of complainant to Portugal

after charging an amount of Rs.12.5 Lakh. Further alleged that neither husband of the complainant was sent abroad; nor the amount has been returned; thus, petitioner as well as her brother committed fraud.

(3) It is contended by learned Counsel for the petitioner that she has been falsely implicated by the police in connivance with the complainant and she is in custody since 05.03.2023.

On the other hand, learned State Counsel on instructions opposed the prayer while submitting that an amount of Rs.3.5 Lakh was deposited in the bank account of petitioner on 24.12.2021; whereas her brother i.e. Lovepreet Singh had received an amount of Rs.1 Lakh along with medical fee of Rs.4500/- in his bank account on 03.12.2021. Also submitted that the Visa, which accused persons had obtained, was of Ukraine and not for Portugal. Further submitted that to assure return of amount of Rs.4.5 Lakh, they had given one Cheque bearing No.249393 of co-accused Jagtar Singh (father of accused); however, even thereafter, they had not returned the amount.

(4) Heard both sides and perused the paper-book.

(5) In compliance of order dated 13.07.2023, affidavit dated 07.08.2023 of Sh. Ashwini Gotyal, SSP, Police District Batala, District Gurdaspur has been filed. The same is taken on record. Copy thereof supplied to the opposite side.

Para 8 of the aforesaid affidavit reveals that petitioner and co-accused Lovepreet Singh, who are running an IELTS/Spoken English/Grammer Centre in the name & style of LSE at Kahnuwan Road, Batala, District Gurdaspur, also used to work as 'travel agent' surreptitiously without any licence.

Above affidavit also reveals that five more complaints are pending consideration against the present petitioner and apart those, there are three FIRs with similar allegations pending against petitioner along with her brother (co-accused), which *prima facie* show their involvement in illegal immigration.

(6) Keeping in view the allegations leveled against the petitioner, this Court is not inclined to grant bail pending trial to the petitioner at this stage.

(7) Accordingly, the present petition is dismissed.

(8) However, learned trial Court shall proceed in the matter on priority basis, if there is no legal impediment.

(9) Also made it clear that prosecution witnesses shall appear on each and every date of hearing. In case there is a failure, the same shall entail disciplinary action against the erring police official concerned. Compliance report be sent to the Registry on 30.09.2023.

(10) The above observations may not be construed as an expression of opinion on merits of the case in any manner

(11) Pending application(s), if any, shall also stand disposed off.

August 7th, 2023
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No