

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

**CRM-M-23209 of 2023 (O&M)
DATE OF DECISION: 20.07.2023**

Harpreet Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr.Anil Kumar Garg, Advocate,
For the petitioner.

Mr. Virat Rana, AAG, Punjab.

Mr. Piyush Aggarwal, Advocate,
For the complainant.

ARUN MONGA, J. (ORAL)

Petitioner, a single lady aged 38 years, seeks bail in case bearing FIR No.61 dated 28.03.2022, registered under Sections 120-B, 406, 420 of Indian Penal Code (hereinafter referred to as "IPC") (challan has been filed under Sections 406, 420, 465, 467, 468, 471, 120-B IPC and Section 24 of Immigration Act) at Police Station Phase-1, SAS Nagar, District SAS Nagar.

2. Per FIR, on 12.03.2022 complainant-Abhiraj Singh made a complaint alleging therein that petitioner along with others has duped him for a sum of Rs.35 Lakh on the pretext of sending him to Canada on study visa. Petitioner and her co-accused Gurdeep Singh approached the complainant by projecting themselves to be Immigration Experts, who were running an Immigration and Consultancy Firm which sends students abroad on study visa to Canada. An amount of Rs.30 Lakh approximately was taken by accused persons and complainant was given a false assurance that they would arrange his admission in a Physiotherapy Course in Vancouver Community College.

Complainant was handed over forged and fabricated Canadian study visa and

other travel documents by petitioner and her co-accused. During the course of investigation, petitioner was arrested on 29.03.2022.

3. Learned counsel for petitioner submits that petitioner has been falsely implicated in this case as she was not beneficiary to any of the transactions done by the complainant *qua* the visa which was promised to complainant as she never received amount either in cash or any bank.. She has not committed any forgery. He further contends that she was working with her co-accused Gurdeep Singh, who is the prime accused and has already been granted the concession of bail upon payment of money to complainant which was allegedly received by him. He further contends that petitioner is entitled to bail on the ground of parity alone.

4. Learned counsel would further argue that petitioner is in custody since 29.03.2022 and has undergone more than one year and three months. Since challan has been presented and charges have been framed, custodial interrogation of petitioner is not required any more. He further submits that allegations *qua* offence under Section 467 IPC are very vague and have simply been made as the same are prescribed with higher punishment.

5. On the other hand, learned State counsel, on instructions from Inspector Kailash Bahadur, assisted by learned counsel for complainant, opposes the bail petition on the ground that petitioner along with others duped a number of persons of their hard-earned money. She is involved in as many as five more cases of similar nature. She is a habitual offender. There is every likelihood of petitioner tampering with the evidence and influencing the witnesses. Learned State counsel further contends that petitioner does not deserve the concession of bail as she is part of a well-organized immigration racket under which they have cheated multiple persons for an amount running into crores of rupees.

6. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

7. Bail allows an accused to maintain his/her freedom until their guilt or innocence is determined. Petitioner has already been under prolonged incarceration of more than one year and three months *qua* the alleged offence committed under Section 420 IPC, for which the maximum punishment is 7 years. Assuming that she was already a convict of the said crime even then she would be entitled to suspension of his sentence during the pendency of appeal, had she chosen to file one. Moreover, challan has been presented in the present case and even charges have also been framed. Trial has commenced which is at snail pace. Whereas petitioner has already been languishing in jail for the past more than one year and three months in preventive custody, she being behind bars since 29.03.2022.

8. In the present case, petitioner, who is single lady of 38 years, is being kept in preventive custody merely on an unfounded suspicion that if she is let out, she may either tamper with evidence and/ or influence witnesses. There is no probability of tampering with evidence as the same has already been seized by the investigating agency.

9. Further, co-accused Gurdeep Singh, who is alleged to be the prime accused, has been granted the concession of bail. Case of petitioner is at par with that of her co-accused Gurdeep Singh.

10. Be that as it may, offence allegedly committed by petitioner is of non-violent nature and in that sense her release on bail is not a threat to society at large by committing any violent crime.

11. Considering the overall scenario and without commenting on the merits of the case the instant petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

12. Accordingly, petitioner is ordered to be released on bail, in case not required in any other case, on her furnishing bail bonds and surety bonds to the satisfaction of learned trial Court, where her case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.

13. In case, petitioner is found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of her bail in the instant case.

14. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on merits of the case as the same are for the limited purpose of hearing the instant bail petition alone and learned trial Court shall proceed without being influenced with this order.

15. Pending application(s), if any, shall also stand disposed of.

JULY 20, 2023
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :

Yes/No

Whether reportable :

Yes/No