

101 (1st case)

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

**CRM-M-30920-2023 (O&M)
Date of decision : 22.09.2023**

Balwinder Kaur

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Gautam Dutt, Advocate for the petitioner.

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

Mr. Mehtab Singh, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.0033 dated 18.05.2023, under Sections 420, 406, 365, 120-B of the Indian Penal Code, 1860 and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014, registered at Police Station Bholath, District Kapurthala.

(2) Above FIR was registered on the basis of application moved by complainant-Nishan Singh with the allegations that husband of the petitioner, namely, Harpreet Singh met him in the Bank and told him that he had opened

his Office for IELTS and Touch Clouds Travels at Bagri Station and if complainant is interested to send his children or relatives to America for study or work permit, he can send them legally. In March, 2021, Harpreet Singh met cousin brother-Sukhjinder Singh and the wife of complainant in his house and demanded Rs.35 Lakh for arranging work permit and visa of Canada. After few days, Harpreet Singh demanded Rs.20 Lakh along with three Passports in the name of his cousin, wife and eight years old son along with other documents. On 04.04.2021, said Sukhjinder Singh had paid Rs.20 Lakh after withdrawing the same from Punjab National Bank along with other documents to Harpreet Singh and his daughter as well as wife-Balwinder Kaur (petitioner) in the presence of complainant, his wife and Surinder Kumar. On asking the accused, said Sukhjinder Singh had spent Rs.3 Lakh for Dubai tour to have some travel history. In the month of August, 2022, Harpreet Singh struck another deal with Joginder Singh for sending his grandson abroad and out of total Rs.50 Lakh, he had paid Rs.15 Lakh. Also in October, 2022, he had paid Rs.20 Lakh after withdrawing the same on different dates from his Bank(s). Meanwhile, Harpreet Singh and petitioner also took Rs.50 Lakh from Kamaljit Kaur (sister of the complainant) on 28.10.2022, which was paid after withdrawing from her bank. The complainant also paid and transferred amount to the accused persons. After hatching the criminal conspiracy, all the accused have cheated them to the tune of Rs.1.5 Crores for sending the complainant party abroad on different dates. Neither accused send them abroad; nor the amount has been returned to them. Hence the present FIR.

(3) The Co-ordinate Bench, vide order dated 20.06.2023, granted interim bail to petitioner and the same reads as under:-

“Apprehending her arrest in FIR No.0033 dated 18.05.2023, registered for offences punishable under Sections 420, 406, 365, 120-B of the Indian Penal Code and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014 at Police Station Bholath, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Ld. Counsel for the petitioner inter alia relies upon the pendency of CRM-M No.30697 of 2023 whereby co-accused namely Sahil has been granted concession of interim protection.

Issue notice of motion, returnable for 10.08.2023.

To be listed along with CRM-M No.30697 of 2023.

Mr. Harsimar S. Sitta, Dy. Advocate General, Punjab appears and accepts notice on behalf of the respondent/State.

Mr. Mehtab S. Khaira, Advocate appears and files his power of attorney on behalf of the complainant, today in Court, which is taken on record.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to her furnishing personal and surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. As and when called, the petitioner shall join the investigation. She shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

(4) Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and her custodial interrogation is not required.

(5) Learned State Counsel, on instructions from DSP Satnam Singh, submits that petitioner has joined investigation and as on today, her custodial interrogation is not required.

- (6) On the other hand, learned Counsel for the complainant vehemently opposed the petition; but the same is liable to be rejected as petitioner has already joined the investigation and her custodial interrogation is not required by the Investigating Officer.
- (7) In view of above, interim order dated 20.06.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (8) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (9) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
- (10) Disposed off accordingly.
- (11) Pending application(s), if any, shall also stand disposed off.

September 22nd, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>