

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

Neutral Citation No. 2023:PHHC:106228
CRM-M-36411-2023
Reserved on : August 03, 2023
Date of Decision: August 16, 2023

Gurjit Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: - Mr. Gopal Singh Nahel, Advocate for the petitioners.

Mr. M.S. Nagra, AAG, Punjab.

Mr. Baljinder Singh, Advocate for the complainant.

DEEPAK GUPTA, J.

Prayer in this petition filed under Section 438 Cr. P.C. is to grant anticipatory bail in case FIR No.24, dated 16.06.2023, registered under Sections 420 and 120-B of IPC, at Police Station City Ahmedgarh, District Malerkotla.

2. FIR was lodged on the complaint of Gurwinder Singh Samra, as per which Kuldeep Kaur, resident of his village brought a proposal to his family that Manjot Kaur was already in Canada on study VISA and that she could take their son (complainant) to Canada. However, condition was put forth to the complainant's family that they would have to pay fees of remaining two semesters of Manjot Kaur, besides ₹15 lacs already spent to send her abroad. Considering their son's future, the family of the complainant agreed. Apart from paying ₹15 lacs as agreed, huge amount was spent on the marriage of Manjot Kaur with complainant, which was solemnized on 14.12.2017. After the marriage,

Manjot Kaur went back to Canada, but did not take any interest in applying for VISA for the complainant. To the contrary, she applied for permanent residence disclosing herself as single, though the marriage of Manjot Kaur with the complainant was duly registered. Accused had even taken huge amount for construction of their house from the complainant's father and this way, complainant has been cheated for an amount of ₹40 lacs. After necessary inquiry, the FIR was registered against Manjot Kaur, her father Gurjit Singh (petitioner No.1) and her mother Kamaljit Kaur (petitioner No.2) and two others, namely, Harjinder Singh and Amrik Singh.

3. It is contended by learned counsel for the petitioners that after the marriage of the daughter Manjot Kaur of the petitioners with the complainant, Manjot Kaur resided in the matrimonial home from the date of marriage i.e., 14.12.2017 till 01.01.2018 and then 28.01.2018 to 27.03.2018, indicating that petitioners did not have any intention to cheat the complainant. It is further contended that marriage certificate was required to apply for VISA of the complainant, but the same was not provided. In the meantime, complainant told the petitioners to have enquired from some agent that the daughter of the petitioners being on study VISA, she can apply for VISA of the complainant only after getting PR. It is further contended that the petitioners came to know that two FIRs had been registered against the complainant, his father and others, due to pendency of which complainant could not be taken abroad. It is also contended that as the daughter of the petitioners got the chance to get permanent residency of Canada, she could not let go all of her hard work due to the fault of the complainant. Learned counsel for the petitioners

has also contended that even if, the allegations in the FIR are taken at its face value, there is nothing to show that the petitioners had the intention to cheat the complainant's family since beginning. It is further contended that petitioners are ready to join the investigation and so they be allowed anticipatory bail.

4. Refuting the aforesaid contentions, learned State counsel has drawn attention towards the status report filed by the police, as per which FIR has been registered after conducting necessary inquiry, wherein it was found that all the expenses for the remaining semesters of Manjot Kaur were borne by the complainant's family. Even ₹15 lacs spent earlier for her studies were also paid by the complainant. The proposal for marriage was accepted, subject to the condition that Manjot Kaur, the daughter of the petitioners shall apply for VISA for the complainant, but after going to Canada in 2018, she did not even try once to apply for VISA and thus, it was a clear case of cheating by the petitioners in connivance with their daughter.

5. Learned counsel for the complainant has also pointed out that two FIRs as referred by the petitioners against the complainant and his father were registered in September 2021 and July, 2023 and they have nothing to do with the present controversy because after marriage in December, 2017, Manjot Kaur had finally left for Canada on 27.03.2018 and for long period of more than three years, she did not even apply once for VISA of the complainant. Prayer is made for dismissal of the petition.

6. I have considered submissions of both the sides and have also perused the record carefully.

7. As per the allegations, complainant had performed marriage

with the daughter of the petitioners after accepting their condition that the complainant's family will bear all the expenses of her study of the remaining two semesters, besides paying ₹15 lacs already spent on her studies. The complainant's family agreed to the proposal as it was assured by the petitioners' family that their daughter will apply for VISA for the complainant. It is undisputed that marriage was performed in December, 2017. It is also undisputed that in March, 2020, the daughter of the petitioners applied for permanent residency of Canada by showing herself to be single.

8. Though, the complainant's counsel has not disputed the registration of the two FIRs No.110 dated 14.09.2021, registered at Police Station Sadar Raikot, District Ludhiana; and No.24 dated 16.06.2023, registered at Police Station City Ahmedgarh, against the complainant and his father, but it is rightly pointed out that these were registered much later. No material has been placed on record on the part of the petitioners that any effort whatsoever was made by their daughter to apply for VISA for the complainant prior to the registration of the said FIRs, though Manjot Kaur, daughter of the petitioners had left for Canada on 27.03.2018.

9. Prima facie there are clear allegations of cheating against petitioners and co-accused in conspiracy with each other. Interrogation of the petitioners may be required for further investigation. As such, it is not a fit case for grant of anticipatory bail.

Dismissed.

August 16, 2023
sarita

(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No