

2023:PHHC:137683

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

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**CRM M-49062 of 2023
Date of Decision: 09.10.2023**

Najma Begum

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Saurabh Bahmani, Advocate, for the petitioner.

Mr. Rajinder Kumar Banku, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 438 of the Cr.P.C. with a prayer to grant a anticipatory bail to him in case FIR No.187 dated 18.07.2023 registered under 420 and 406 IPC and Sections 10 and 24 of the Emigration Act registered at Police Station Ismailabad, District Kurukshetra.

2. The FIR in the present case was registered on the basis of statement made by Pritam Singh son of Desh Raj, against Nazma Begum, the petitioner, her husband Firoz Khan and Parneet Singh Gill. As per the complainant, he wanted to send his daughter Mamta on a study visa to U.K. and used to visit "Mira Ji Dargah" for offering prayers. In the month of July 2022, he went to Dargah and met Firoz Khan, husband of the petitioner. Firoz Khan told him that he, his wife

Najma Begum and Parneet Singh Gill, co-accused were engaged in the business of sending people abroad and they had sent several persons to Canada and England legally. The petitioner and her husband also assured that they were servants of Dargah and would not tell a lie. Firoz Khan also introduced the complainant to Parneet Singh Gill, co-accused, who allegedly holding a valid licence from the Government to send the people abroad. The accused told the complainant that an amount of Rs. 18 lacs would be required and initially Rs. 4.50 lacs in account and Rs. 2.50 lacs in cash will have to be paid. Parneet Singh Gill sent Firoz Khan to collect the cash alongwith the passport, Aadhar card and four photographs from the complainant. The petitioner transferred a sum of Rs. 4.50 lacs in the account of Firoz Khan, husband of the petitioner on different dates through RTGS and Google pay. On 09.09.2022, the complainant was called at Dargah and he handed over a sum of Rs. 2.50 lacs in cash to Firoz Khan, who gave it to his wife Najma Begum. Najma Begum also gave this amount to Parneet Singh Gill. After paying a sum of Rs. 7 lacs to them, the complainant and his daughter repeatedly requested them to send his daughter abroad, but the accused gave evasive replies and did not send his daughter on a study visa to England nor returned amount to him. After some time, they started threatening the complainant and his daughter. With these broad allegations, the FIR in the present case was got registered by the complainant.

3. Learned counsel for the petitioner contends that the petitioner is an illiterate, rustic lady and was in no way involved with the alleged dealings between the complainant and Firoz Khan. Learned counsel further contends that her husband Firoz Khan had conveyed to the complainant that he could assist him in sending his daughter abroad and the amount was paid in the bank account of Firoz Khan. However, the present petitioner had no connection with any of the transactions and all the payments were received either by her husband Firoz Khan or Parneet Singh Gill. Learned counsel next contends that no financial transaction had taken place on the presence of the present petitioner.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner, her husband Firoz Khan and Parneet Singh Gill were specifically named in the present FIR. Even, the money was handed over to the petitioner and her husband Firoz Khan, who also handed over some money to Parneet Singh Gill as well. Learned counsel further submits that one more case of similar nature has already been registered against the present petitioner and the petitioner is a habitual offender.

5. I have heard learned counsel for the parties and perused the file.

6. While considering the prayer for grant of anticipatory bail, the Court is to take into consideration the nature and gravity of

accusations, antecedents of the accused, chances of tampering with the prosecution evidence, possibility of the accused to flee from justice and normally the Court should not exercise its jurisdiction to grant of anticipatory bail in disregard of the magnitude and seriousness of the matter. In the present case, the petitioner and her co-accused had cheated and defrauded an innocent person of his hard earned money on the pretext of sending his daughter abroad. Still further, in the present case, it has been found that one more FIR of similar nature has already been registered against the present petitioner. There are specific allegations regarding the commission of cheating against the present petitioner and the trial Court has also rightly held that there are no cogent, reasonable and well founded grounds for grant of concession of anticipatory bail to the present petitioner. Even otherwise, it has been held by the Hon'ble Supreme court in the matter of CBI Vs. Anil Sharma 1997 (4) RCR Criminal 268 that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect, who is on anticipatory bail.

7. In view of the above discussion, finding no merit, the present petition is ordered to be dismissed.

09.10.2023

(N.S.SHEKHAWAT)

amit rana

JUDGE

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