

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-55484-2022 (O& M)****Date of decision: 12.01.2023**

Amandeep Kaur

.... Petitioner

V/s

State of Punjab .

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. P.K.S. Phoolka, Advocate,
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Bikramjit Singh Jatana, Advocate,
for the complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 438 Cr.P.C. is for the grant of anticipatory bail to the petitioner in case FIR No.0268 dated 26.10.2022 under Sections 420, 406, 120-B IPC registered at Police Station Civil Lines Bathinda, District Bathinda.

2. The present FIR came to be registered at the instance of Sukhbir Singh who stated that he wanted to go abroad for higher education and for the said purpose approached Amandeep Kaur Sidhu (petitioner) wife of Baljit Singh Sidhu, owner of AIMS Institute, Bathinda. She promised to provide a Canadian Visa for an amount of Rs.25 lacs. In furtherance of the same, he (complainant) delivered all relevant documents including his passport, B.Sc. certificate and other papers. He was told that the Visa would take one year. The petitioner issued him a cheque No.012936 for a sum of Rs.1,50,000/- as security. He paid Rs.6,00,000/- to her in 2019 at the

the complainant), District Faridkot, Rs.8,00,000/-in the year 2020 at her residence and Rs.5,00,000/- in the year 2021. Her (petitioner's) partner Gagandeep Singh gave a cheque for an amount of Rs.4,00,000/- to him (complainant) as security. Despite having made the payment, the Visa was not provided on the ground of the COVID-19 Pandemic. When he (complainant) did not receive the Visa and contacted the petitioner, she told him that the AIMS Institute, Bathinda, had been closed and a new institute in the name of Dolphin Institute was running at Maheshwari Chowk, Bathinda. She also told him that the Visa had been received and he could go to Canada in September. 2022. However, on verification, it was revealed that the Visa was a fake document and the Visa stamp was also fake. On approaching the Dolphin Institute belonging to the petitioner, he found that the same was lying closed. He made a phone call to the petitioner and she had blocked his (complainant's) number. Thus, he had been cheated by her.

3. The learned counsel for the petitioner states that the petitioner has been falsely implicated in the present case. In fact, the petitioner was a victim of the fraud committed upon her and her other relatives by her co-accused Beant Kaur, Proprietor of Quince Immigration, Bathinda and Ravinder Pal, Proprietor of Nation Consultant (Mohali). It was Beant Kaur, who had entered into an agreement with the petitioner and Harjit Singh. Some payments had been made through the account of the petitioner but no payment was retained by her (petitioner) As the payment was forwarded to the account of Beant Kaur, the allegations against the petitioner having received a sum of Rs.25,00,000/- were absolutely incorrect. He, thus, prays that the petitioner ought to be granted the concession of anticipatory bail.

4. The learned counsel for the State, on the other hand, had filed a

Deputy Superintendent of Police, City-2, Bathinda. While referring to the said reply, he contends that a huge sum of the money was given to the petitioner. The petitioner herself issued a security cheque to the complainant and a similar security cheque was also handed over by a co-accused, namely, Gagandeep Singh. Both the said accused were absconding. The custodial interrogation of the petitioner was required to investigate the case effectively to recovery the amount and to find out the *modus operandi* of the whole operation. It is his contention that the plea of the petitioner that she herself was a victim of the fraud committed upon her by co-accused Beant Kaur and Ravinder Pal Singh is completely false and baseless in the wake of the evidence available against her and her co-accused. He also submits that the petitioner is a habitual offender with one other case registered against her vide FIR No.234 dated 19.09.2022 under Sections 306, 34, 201 IPC at Police Station Canal Colony, Bathinda.

5. The learned counsel for the complainant has vehemently opposed the bail application of the petitioner stating that it was the petitioner who had misled the complainant, received the entire money and had provided a fake and forged Canadian Visa to the complainant. He submits that the offences of this kind are on the rise and to take the investigation to its logical conclusion, the custodial interrogation of the petitioner was certainly necessary.

6. I have heard the learned counsel for the parties.

7. The allegations against the petitioner levelled by the complainant are clear and categoric. It was the petitioner, who received a sum of Rs.25,00,000/- as has been detailed in the FIR in order to procure a Canadian Visa for the complainant. On receipt of the money, a forged and

the petitioner and one by her co-accused Gagandeep were given to the complainant as security. This fact itself shows that there were transactions pursuant to the promise of a Visa between the petitioner on one side and the complainant on the other. The Visa has been found to be forged. Therefore, the seriousness of the allegations alongwith the fact that the investigation has to be taken to its logical conclusion, does not entitle the petitioner to the grant of anticipatory bail.

8. In view of the above, I find no merit in the present petition and the same is therefore dismissed.

(JASJIT SINGH BEDI)
JUDGE

January 12, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No