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221 (2)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision:- 21.03.2023

MOHD. KAIF

....Petitioner

Vs.

STATE OF U.T. CHANDIGARH

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Sandeep Gahlawat, Advocate
for the petitioner.

Mr. Akashdeep Singh, Additional Public Prosecutor,
U.T. Chandigarh.

Ms. Vasundhra Asija, Advocate
for the complainant.

AMARJOT BHATTI, J. (Oral)

The petitioner – Mohd. Kaif has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 121 dated 07.09.2022, under Section 406, 498-A, 420, 323, 376, 506 and 120-B of IPC (Section 467, 468 and 471 of IPC added later on), registered at Police Station West Sector-11, Chandigarh.

As per the facts of the case, a written complaint was filed, in which the complainant-Ramandeep alleged that a profile on matrimonial site *Jeewansathi.com* was registered with the consent of her parents. She came in contact with Jagjit Singh who shared his number and they came in

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contact with each other. He claimed that he was U.S. citizen and had come to India after 10 years. He claimed himself to be the owner of a truck company in partnership with his uncle and aunt i.e. accused Balwinder Singh @ Baldev Singh and Sunita. He claimed that he was having immigration business and he was owner of four houses in Boston, USA. He also disclosed that he was from village Jandayala Manjki in Nakodar and he was owner of three houses. He disclosed his date of birth as 11.11.1983. The marriage was fixed and *roka* ceremony took place in a house at Jalandhar allegedly owned by Jagjit Singh. Amandeep Kaur - accused No. 4 claimed to be the sister of Jagjit Singh who came from USA. She was to go back early, therefore, the marriage was fixed for 03.06.2022. Huge money was spent on marriage. After marriage, they stayed for one night at Patiala and thereafter, they shifted to her house at Chandigarh. He demanded Rs.75 lacs for preparing the passport of her family i.e. parents and brother. He was raising demand of money from time to time. He used to come late at night. She overheard the conversation of her husband with his friend Mohammad Kaif. The behaviour of Jagjit Singh was rude. Later on, she came to know that Jagjit Singh was already married to one Ravneet Kaur and he was also married to another lady Navjot Kaur. He was involved in several criminal cases, which are detailed in the FIR. All the accused persons were cheating to others, after making a gang. In fact, they were not related to each other, as disclosed by them. After enquiry the present FIR has been registered.

Learned counsel for the petitioner argued that the present petitioner has nothing to do with the present occurrence. He is a young boy of 21 years of age. He is matriculate and a typist in the office of one

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Shazab Abid at a meager salary. The co-accused Jagjit Singh had given passports of the complainant as well as her brother to the petitioner for filling up requisite form for Visa etc and except this, he does not have any knowledge regarding the other allegations in the FIR. The present petitioner has already joined the investigation as he was arrested on 10.09.2022 and six passports were recovered from him. There is nothing on record to show that he has prepared any fake record. He is dragged in this litigation unnecessarily. He is ready to face the trial and will abide by the terms of bail order. It is prayed that his regular bail application may be allowed.

The bail application is opposed by learned counsel for the complainant as well as learned counsel representing UT, Chandigarh. It is argued that the main accused Jagjit Singh was in touch with the present petitioner in preparing the passports and for immigration Visa. The complainant and her family travelled to Delhi multiple times in the office of petitioner - Mohd. Kaif for their biometrics etc., for their Visa for Canada. The complainant had overheard the conversation between Jagjit Singh and Mohd. Kaif in August, 2022. In fact, the other accused wanted to flee from the country via Nepal and some money transaction also took place. Therefore, there are specific serious allegations against the present petitioner. It is prayed that the regular bail application filed by the petitioner may be dismissed.

I have considered the arguments and have gone through the record carefully. The complainant has levelled specific serious allegations against Jagjit Singh, the main accused who performed marriage with the complainant by way of cheating and misrepresentation to extract money

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when he was already married. In the entire episode, it is claimed that the present petitioner in connivance with Jagjit Singh had prepared the passports and Visa for immigration. I have also gone through the status report filed by learned counsel representing UT, Chandigarh. In the case in hand, after completion of investigation, challan is already presented and the case is fixed for prosecution evidence. The present petitioner is in custody since 10.09.2022. Trial of this case may take some time. His role will be clear after recording evidence at final stage. He cannot be kept behind the bars for indefinite time period. Therefore, without expressing my mind on the merits of the case, the regular bail application filed by the petitioner – Mohd. Kaif is allowed. He is ordered to be released on bail to the satisfaction of trial Court/Duty Judge concerned.

The petition is, accordingly, accepted.

21.03.2023
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(AMARJOT BHATTI)
JUDGE

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