



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

CRM-M-956-2024

Date of decision: 12.11.2024

Rajpal Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Abhishek Jindal, Advocate for the petitioner.

Mr. J.S. Dhaliwal, AAG, Punjab.

Mr. Sukhtej Sandhu, Advocate for the complainant.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case having FIR No.114 dated 06.10.2023, under Sections 420 and 120-B of IPC, Police Station Anaj Mandi, Patiala.

2. The allegations in nutshell are that co-accused Harpreet Kaur daughter of the petitioner had passed the IELTS exam to pursue her studies in Canada. Complainant intended to send his son Satbir Singh to foreign country and he contacted the parents of Harpreet Kaur to perform marriage of his son with said Harpreet Kaur on the condition that the complainant party will bear the entire expenses of travel and education of Harpreet Kaur and in lieu of that she would sponsor the papers of Satbir Singh to facilitate him in getting work visa of Canada. The marriage was performed and then Harpreet Kaur went to Canada on the expenses of the complainant party and



she kept on pursuing her studies in Canada but did not help her husband Satbir Singh in any manner to enable him to reach Canada. That in this manner, the petitioner and other accused persons committed fraud against the complainant and FIR under Section 420 read with Section 120-B IPC was registered against Harpreet Kaur and her parents.

3. This Court vide order dated 15.01.2024 passed detailed order whereby interim bail was granted to the present petitioner with direction to join the investigation.

4. Counsel for the petitioner made statement in the Court that in compliance of the aforesaid order, the petitioner has joined investigation with the police and she has also deposited her passport with the registry of this Court.

5. The present petition is resisted by counsel for the complainant who submits that amount of Rs.32 lacs was spent on the travel and studies of Harpreet Kaur in Canada by the complainant. However, Harpreet Kaur failed to provide any support to Satbir Singh and also did not gave proper information to the Canadian Immigration Authorities which resulted into rejection of his visa and in this manner, Harpreet Kaur and her parents committed cheating against the complainant and his son.

6. The State counsel on instructions from ASI Malkeet Singh made statement that petitioner who has joined the investigation, is not required for any further investigation or custodial interrogation by the police. The State counsel has not disputed the fact that the petitioner has already deposited her passport with the registry of this Court.

7. In the given circumstances, as the passport of the petitioner is



lying with this Court, there is no apprehension that the petitioner will abscond and leave the country without prior permission of the Court. Otherwise, the petitioner who has joined the investigation is not required by the police for any further investigation. Further, it is a matter of evidence, as to whether the petitioner, a lady was having any malafide intention to defraud the complainant, from the very inception.

8. In light of the above, no purpose is going to be served even if the petitioner is subjected to custodial interrogation at this stage.

9. Consequently, the present petition is allowed and order of interim bail dated 15.01.2024 is made absolute. The petitioner is to abide by the conditions as provided under Section 438 (2) Cr.P.C. The passport of the petitioner is not to be released without prior permission of the Court.

12.11.2024

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**