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

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Date of Decision:- 15.10.2024

**Vandana Choat and Anr.**

...Petitioners

Vs.

**State of Punjab and Anr.**

...Respondents

**CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI**

Present:- Mr. Hitesh Chopra, Advocate and  
Mr. Amit Kumar, Advocate  
for the petitioners.

Mr. Gautam Thapar, AAG, Punjab.

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**AMARJOT BHATTI, J.**

1. The petitioners – Vandana Choat and Pooja Choat have filed petition under Section 482 Cr.P.C. for quashing of FIR No.48 dated 24.09.2020, under Sections 420, 467, 468, 471, 120 of IPC, 1860, Section 13 of Punjab Prevention of Human Smuggling Act, 2012 and Section 66-D of Information Technology Act, registered at Police Station Aarif Ke, District Ferozepur (Annexure P-1) alongwith subsequent proceedings arising therefrom or any other relief which the Court may deem fit and proper in the given facts and circumstances of the case.

2. As per the facts narrated in the aforesaid FIR (Annexure P-1), Charandeep Singh complainant filed written complaint to Senior Superintendent of Police, Ferozepur against Ajay Kumar, Sunita Choat, Harbhajan Singh, Sunita wife of Ajay Kumar and Aarti for preparing fake documents and giving alurement on the pretext of sending abroad.

Charandeep Singh stated that Ajay Kumar was friend of his brother-in-law

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Gurbir Singh who was residing in Canada. Gurbir Singh recommended Ajay Kumar and his mother Sunita Choat to visit his house to discuss the probability of sending his nephew Dildar Singh and another boy abroad. Matter was settled in a sum of Rs.42,50,000/- which included that he had to get cracking of IELTS and submission of file before Embassy. They had deposited Rs.19,00,000/- in the bank account of Ajay Kumar and his mother Sunita Choat with Axis Bank and State Bank of India and remaining amount was given in cash. After passing of two years, his nephew Dildar Singh and another boy could not be sent abroad nor they returned money. The accused were putting of the matter on one pretext or the other. He made enquiry from Embassy and came to know that Ajay Kumar had prepared fake documents of his nephew and other boy. Fake IELTS certificates were appended due to which passport of his nephew Dildar Singh was banned by the Embassy for a period of five years with writing that fraud was committed. He complained to the accused persons for spoiling the career of his nephew. Later on he came to know that they had defrauded many other persons in similar manner. Matter was enquired and present FIR was registered. As per record, initially challan was presented against Sunita Choat and Ajay Kumar. Copy of challan report is Annexure P-3. Present petitioners including Sunita @ Monika were kept in column No.2. Subsequently, supplementary challan was presented in which present petitioners along with Harbhajan Singh were challaned in the aforesaid FIR (Annexure P-4).

3. Learned counsel for petitioners argued that Charandeep Singh complainant has roped the entire family in the aforesaid FIR with malafide



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intention to put pressure on them. Petitioners have no role to play in the commission of said offence. They are sisters of alleged main accused Ajay Kumar and daughters of accused Sunita Choat. No specific role is attributed to them. There is nothing on record to show that they received any amount from the complainant. Initially, they were found innocent during investigation but later on under pressure present petitioners are also challaned after a lapse of two years. Present petitioners had applied for anticipatory bail. Initially they were granted interim bail and the same was confirmed vide order dated 19.01.2022 (Annexure P-2). Involvement of present petitioners in the aforesaid FIR is the result of misuse of criminal procedure of law. No offence is made out against them. Therefore, FIR registered against present petitioners, supplementary challan presented qua them and all other subsequent proceedings arising therefrom may be quashed.

4. On the other hand, learned counsel representing State filed detailed status report confirmed the fact that initially Ajay Kumar and Sunita Choat were challaned in the aforesaid FIR. Later on complaint was filed for re-investigation before DIG, Ferozepur which was marked to DSP (PBI) Tarn Taran. On the basis of new facts, it was recommended that *prima facie* offence was made out against the present petitioners. As a result, supplementary challan was presented on 28.11.2023. During inquiry it was revealed that present petitioners were residing in the same house with Ajay Kumar main accused. Mobile phone numbers of present petitioners were being used as alternate numbers for doing the business of sending people abroad. Therefore, finding sufficient evidence against the

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present petitioners, they were arrayed as accused and supplementary challan was presented. Petition filed by the petitioners is without merit and deserves dismissal.

5. I have considered the arguments and have gone through the record carefully. I have gone through the contents of FIR registered on the statement of Charandeep Singh. While filing complaint before the police, he had named Ajay Kumar son of Harbhajan Singh, Sunita Choat wife of Harbhajan Singh, Harbhajan Singh, Sunita wife of Ajay Kumar and Aarti daughter of Harbhajan Singh. Investigation was carried out and the statements of witnesses were recorded. I have also gone through the contents of FIR and the subsequent proceedings carried out by the police. It has come in the statement of Charandeep Singh that in April, 2019 he along with Sarwan Singh had gone to the house of accused in Amritsar for payment of Rs.11,00,000/- in cash where present petitioners along with her parents and other family members were present and counted the money handed over to them. Therefore, present petitioners, at this stage cannot feign ignorance regarding allegations levelled by the complainant. During further inquiry, it was revealed that contact numbers of present petitioners were being used as alternate numbers in the e-mail ID of main accused Ajay Kumar. Considering the aforesaid facts, at this stage, it will not be appropriate to quash the FIR or supplementary challan and subsequent proceedings qua the present petitioners. Facts can be clarified only during the course of trial. Petitioners can raise their defence at appropriate stage.

6. Considering the aforesaid factual position, I do not find a fit case for quashing of FIR, supplementary challan and subsequent proceedings

and the petition filed by petitioners is accordingly declined.

7.           My above observations will have no bearing on the merits of the trial.
8.           Pending miscellaneous application(s), if any, stand disposed of accordingly.

15.10.2024  
*Sunil Devi*

(AMARJOT BHATTI)  
JUDGE

Whether speaking/reasoned:  
Whether reportable:

Yes/No  
Yes/No