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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M-7477-2024
Date of decision : 02.05.2024

Harpreet Kaur @ Preet Gill Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

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

Mr. Mohit Kapoor, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.191 dated 03.08.2022, registered for the offences punishable under Sections 420 and 120-B of IPC and Section 13 of Punjab Prevention of Human Smuggling Act, 2012 at Police Station Civil Lines, Bathinda, District Bathinda.

2. As per contents of the FIR, it has been alleged as under:-

“Subject: Application for registration of case against Beant Singh Gill son of Amarjit Singh, Harpreet Kaur alias Preet Gill wife of Beant Singh Gill residents of Gali No.8, near 2 Tower, New Harindra Nagar, Faridkot city, Fan Faridkot, C/o M.D. Beant Singh Gill K.O.I.C. Immigration and IELTS Center, Opposite Mahindra Tractor Agency, Kotkapura Road, Faridkot (M.No.98788-16853, 98764-44219 and Phone No. 01639-500051) and Paramjit Singh

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Khurmi resident of Ajit Road, Bathinda (M.78883-67573, 98554-81104) in regard to after connivance with each other under a pre-planned conspiracy from the first day with bad intention in the name of sending abroad cheated the applicant and usurped money of the applicant. Sir, The application is as follows: 1) That I, Bhupinder Kaur wife of Gurcharan Singh am resident of House No. 541, Phase-3, Model Town, Bathinda and by doing service as Private Teacher am feeding myself and my family. 2) That the above mentioned accused Paramjit Singh Khurmi is serving as Teacher in my school and we were having very good relations. 3) That in the beginning of July 2019 the above mentioned accused Paramjit Singh Khurmi said me that in case you are willing to go to Canada then I am knowing very well to Beant Singh Gill and his wife Harpreet Kaur Gill who are residing at Faridkot and are doing the business of Immigration and they are having good links in the Embassy. Then I said to the aforesaid Paramjit Singh Khurmi that I will tell you later on after thought and after consulting my family members. 4) That thereafter the aforesaid Paramjit Singh Khurmi daily enquiring about this fact then I said him yes in this regard and in the month of July 2019 the aforesaid Paramjit Singh Khurmi along with accused Beant Singh Gill and his wife Harpreet Kaur Gill came to our House at No. 541, Phase- 3. Model Town, Bathinda. Then the aforesaid Beant Singh Gill and his wife Harpreet Kaur Gill started saying to us that we after putting P.R. of Canada of your entire family from India will send you Canada and we are also having good links in Embassy and we are also having good relations

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with Paramjit Singh Khurmi. You may trust us and no cheating shall be done with you. Then we came into their talks and trusted the accused and said yes for this matter and the accused also said that in case there is some other family also in your eyes then we will also do their work as your. Then I after, making phone call to my friend Diljot Kaur and called her at my house and also introduced her with the aforesaid accused and Diljot Kaur is also serving as Teacher in my school then the aforesaid accused also assured Daljot Kaur and also assured her to do my work then we both trusted the aforesaid persons and they caught us in their nett. At that time we were not knowing about their bad intention that they are planning something fishy and at the same time Diljot Kaur after making phone call also called her husband at our house. The accused said us that for this work you have to pay Rs.22 Lac each member and you may us Rs. 1-1 Lac Cash in advance and all your original documents so that we can start your process further. Then at the same time we both on the asking of accused Beant Singh Gill and his wife Harpreet Kaur Gill and after believing all the accused and also after believing accused Paramjit Singh Khurmi had paid Rs.1-1 Lac cash total Rs.2 Lac cash to both of them and had also handed over our original documents. We had handed over above mentioned Rs.2 Lac to accused Beant Singh Gill in cash, which he handed over to his wife Harpreet Kaur alias Preet Gill in our presence, which Harpreet Kaur alias Preet Gill had put into her black color Purse. 5) That from August 2019 to December 2019 I, on the repeated demanding, and putting pressure by accused Beant Singh Gill and his wife

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Harpreet Kaur Gill, on different dates paid Rs.16,82,000/- after trusting the accused had transferred on-line in their self Accounts and accounts of their relatives in the account of the above mentioned Firm of the accused. In case of need I can submit the Bank statement. The accused also said that their business of very old and they have already send many people to Canada and other countries. The detail of the above mentioned payment is as follows: Vide Cheque No. 227641 for Rs.32,000/-, Punjab National Bank, branch Court Complex Bathinda, were transferred in the Account of the Firm K.O.I.C. Immigration and IELTS Center of the accused out of my Bank Account. Vide Cheque No. 020314 for Rs.02 Lac, I.C.I.C.I. Bank Branch Beebiwala Chowk, Bathinda in the Account of Firm K.O.I.C. Immigration and IELTS Center of the accused, transferred out of the Bank Account of my brother Surinder Singh. Vide Cheque No. 020315 for Rs.14 Lac, I.C.I.C.I. Bank Branch Beebiwala Chowk, Bathinda in the Account of Firm K.O.I.C. Immigration and IELTS Center of the accused, transferred out of the Bank Account of my brother Surinder Singh. 6) That in January 2020 when I along with Diljot Kaur for taking our respective original documents and to enquire about our work went to the accused at Faridkot in their above mentioned office then there Beant Singh Gill and his wife Harpreet Kaur Gill both met us then the accused returned our original documents and said that your work is in progress and shall be done very soon you may trust us. We after put P.R. from India itself will send both of your family then we trusted the accused and returned back to our house and it

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was decided to pay the balance amount after receiving VISA, 7) That during this period, accused Beant Singh Gill had also said to us that he is having very good reputation in Faridkot and having good property and also having influence. 8) That in the month of March 2020 due to Corona Curfew and Lock down imposed in entire India, when the situation become easy then we repeatedly through phone enquired from the accused that what happened about our work then the accused after excused us about Corona lingering on the matter. In this regard we time and again were enquired from accused Paramjit Singh Khurmi that you may enquired from Beant Singh Gill etc. and got our work done at the earliest then Paramjit Singh Khurmi has not replied us satisfactorily. You may call the call details of our conversation and we are also having messages etc., which I can produce. if need be. 9) That thereafter, neither the accused have refunded our money and nor got done our work till date. Rather we requested the accused time and again that in case you can' not able to do our work then refund our money then accused Beant Singh gill said us that he has already transfer the money further, we cannot able to refund this money. manner the accused under a pre-planned conspiracy from the very first day, with bad intention have cheated us and have usurped our money. 10) That thereafter, many cases have been registered against accused Beant Singh Gill and his wife Harpreet Kaur Gill etc. for cheating and fraud which are as follows:- F.I.R. No. 0057 dated 16.02.2020 under Section 354, 506, 420 I.P.C., Police Station City Faridkot against Beant Singh etc., F.I.R. No. 0012

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dated 13.01.2021 under Section 420 I.P.C., Police Station City Faridkot against Agent Beant Singh, F.I.R. No. 0048 dated 26.02.2021 under Section 420 I.P.C., Police Station City Faridkot against Beant Singh M.D. (KOIC) Faridkot Road, Kotkapura. FIR No. 0118 dated 26.04.2021 under Section 420 I.P.C. Police Station City Faridkot against Beant Singh M.D. KOIC Immigration, F.I.R. No. 0042 dated 03.07.2021 under Section 420, 120-B I.P.C. and 13 Smuggling Act P.P.F.H. Police Station Talwandi Bhai against Beant Singh Gill and Harpreet Kaur, F.I.R. No. 0322 dated 13.10.2021 under Section 420, 406 I.P.C., Police Station City Faridkot, against M.D. Beant Singh and Harpreet Kaur. F.I.R. No. 0042 dated 02.02.2022 under Section 420, 406 I.P.C. Police Station City Faridkot against Beant Singh Gill M.D. KOIC Immigration and IELTS Center. 11) That apart from above mentioned cases many other cases are also registered with the police against accused, which you can ascertain after enquiry. 12) That from the above mentioned cases it is clearly proved that the accused after inducing the innocent people to send them abroad are continuously cheating and the accused have also cheated us and played fraud with us. Till date we are in the hope that Paramjit Singh Khurmi will help us but he also clearly refused to help us and today we are submitting this application against the accused to take action. 13) That some time earlier when we talked with accused Harpreet Kaur alias Preet Gill regarding our money and the work then she said we had to cheat you which we have done, you cannot harm us in any manner and earlier also these kind of cases are already registered against us and police

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cannot harm us in any manner, it is our work that we after inducing innocent people are cheating them and we have cheated Crores of Rupees, anybody cannot harm us in any manner. So, hence through this application it is requested that for committing cheating and fraud with us by the above mentioned all the accused appropriate legal action be taken and case may be registered, and justice may be got provided to us. We shall be thankful to you. Applicant Sd/- Bhupinder Kaur wife of Gurcharan Singh.xxxxx”

3. Counsel for the petitioner submits that it is a magisterial trial. Petitioner is behind bars for more than 06 months and 22 days. Challan already stands presented and the offences are triable by Magistrate.
4. State counsel does not dispute the aforesaid facts.
5. Keeping in view the aforesaid facts, this Court does not deem it fit to prolong the custody of the petitioner as a punitive measure.
6. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

02.05.2024

Dinesh

Whether speaking/reasoned :

Yes

Whether Reportable :

No