



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-7170-2024
Date of decision: May 27th, 2024

Manjit Kaur and another
.....Petitioners

Versus

The State of Punjab
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Navraj Singh, Advocate
for the petitioners.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioners are seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.206 dated 16.10.2022 under Sections 406, 420, 120-B of the IPC and Section 13 of Punjab Travel Professional (Regulation) Act, 2014, registered at Police Station City Phagwara, District Kapurthala.

2. Learned counsel for the petitioners submits that they have been falsely implicated in the FIR in question, which is annexed as Annexure P-1, on the allegations that they along with co-accused had lured the complainant to part with an amount of ₹65 lakh on the pretext of sending his relatives to Italy, however, neither were the complainant's relatives sent to Italy nor was the amount returned to the complainant. Learned counsel submits that in a case triable by Magistrate, the petitioners have been in custody since 18.10.2022 and the possibility of the trial concluding in the near future does not arise as only one witness out of the 35 cited by the prosecution has been examined till date; the

sole material in the case in hand, which rests on documentary evidence is the complainant, who stands examined. Hence, there can be no possibility of the petitioners tampering with evidence or trying to intimidate or influence the witnesses.

3. Learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from S.I. Nirmal Singh, has reiterated the allegations levelled in the FIR, which stands reproduced hereinunder:-

“Subject: Commission of fleecing of around Rs. 65 Lac by decoying to send abroad at Italy and misappropriation of Passport by Manjit Kaur wife of Sukhwinder Singh, Prabhjot Singh and his daughter Amritpal Kaur wife of Varinder Singh and son of Manjit Kaur residents of S.P. Colony Number 04 Backside Guru Ravidass Collage Phagwara Mobile Number 78148-82971. Sir, it is requested that I Harbans Lal son of Late Ami Chand Resident of Palahi Gate Bhullarai Road, Phagwara District Kapurthala, my age is around 80 years, I am old aged person. I request your goodself that some of my relatives are residing in Italy, I wanted to visit them. Pappu Resident of Village Mansoorpur introduced me with Manjit Kaur wife of Sukhwinder Singh by bring her at my home and said that she is doing work of sending the persons abroad. I gave my Passport to above named Manjit Kaur for going to Italy and some of my other relatives and known also wanted to go to Italy their Passports and copies of some documents were given to them, they said that they expenses would be Rs. 6 Lac per person. These persons demanded sum of Rs. 50,000/- per person as Advance, that all these persons transferred at the rate of Rs. 50,000/- in the Bank account of Manjit Kaur and her daughter Amritpal Kaur by 98 persons their account Number: 120205000784 Capital Small Finance Bank Branch Paanchat and second account number: 38801633523 State Bank of India. Thereafter these

persons received sum of Rs. 25,000/- per person in cash and through Bank. Thus above named person received around Rs. 65 Lacs from us, thereafter these peoples started making evasiveness and now Manjit Kaur, her daughter Amritpal Kaur and her son and Son-in-law Varinder all of them have fled from the home. Thus these persons have committed fleecing with us have usurped amount of all of us and the persons who had given money are now putting pressure upon me to return the money. In this regard I had submitted a written application to Respectable S.P. Phagwara but he has not initiated any action against the accused persons till date. Kindly legal action may be against these persons and case of fraud may be registered and amount of all of us may be usurped please. I shall be grateful to you.”

4. He has submitted that an amount of ₹65 lakh was deposited by the complainant and others into the bank account of the petitioners and the co-accused and hence, their complicity in the crime in question was writ large. Learned State counsel, however, on instructions, has not disputed that not only is the investigation in the case at hand complete but even charges stands framed and the sole material witness i.e. the complainant stands examined.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The petitioners have been in custody since 18.10.2022; as many as 35 witnesses have been cited by the prosecution, however, except for the complainant, no other witness has been examined till date. Hence, the trial would take considerable time to conclude.

7. In the facts and circumstances as enumerated hereinabove, further incarceration of the petitioners would serve no useful purpose.

Accordingly, the instant petition is allowed. The petitioners be admitted

to bail to the satisfaction of the trial Court/Duty Magistrate concerned.
However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to say, in case the petitioners misuse the concession of bail granted to them, the State would be at liberty to seek cancellation of the same.

May 27th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No