



212 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-25177-2024
Date of decision: 9th July, 2024

Pushpinder Kaur
...Petitioner(s)
Versus
Union Territory of Chandigarh
...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Japsehaj Singh, Advocate for the petitioner.
Mr. Manish Bansal, Addl. P.P., U.T., Chandigarh.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 438 of Cr.P.C.
seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
166	14.10.2023	Sector 17, Chandigarh	406, 420 and 120-B of IPC, 1860

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was lodged by the complainant Dalbir Singh against the petitioner and co-accused Manpreet Singh Brar, Jyoti Mehra and Ravinder Singh, on the allegations that on the pretext of sending his son to Canada on study visa and giving financial aid for that purpose, these persons who were running a company under the name and



style of BB Council duped him of a sum of Rs. 6,13,000/- and neither returned his money nor visa was given. Prayer was accordingly made for taking action against them. After registration of the FIR, investigation proceedings have been initiated and are under way. The accused Manpreet Singh Brar, who while claiming himself as owner of M/s B.B. Council Company had been making representation on facebook qua providing assistance for the purpose of study visa, had been arrested during the course of investigation, and was released vide order dated 29.11.2023 as passed by the trial Magistrate. The co-accused Ravinder Singh and Jyoti Mehra have also been extended the same benefit. The petitioner in whose bank account an amount of Rs. 35000/- had been got deposited/transferred by the complainant, had also been nominated as an accused. She moved an application for grant of pre-arrest bail before the Court of learned Additional Sessions Judge, Chandigarh which has been dismissed vide order dated 08.05.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by her counsel that she has been falsely implicated in this case. She was only an employee of M/s BB Council Company and used to receive monthly salary. The only role which has been attributed to her is that apart from the transactions with the owner of M/s BB Council Company i.e. owner Manpreet Singh Brar and co-accused Jyoti Mehra who was also an employee of company, some amount was transferred in her bank account. Infact, whatever amounts were deposited in her account were on the asking of the co-accused, she used to instantly transfer the same to the co-



accused through Gpay or by any other mode. Neither of the said amount as given by the complainant was used by her. It is submitted that the co-accused have been extended benefit of bail. She had left job in September 2022. FIR has been lodged one year thereafter. Her custodial interrogation is not required. The ingredients for commission of offences punishable under Sections 420 and 406 of IPC have been made out against her. Neither any offence of conniving with the co-accused has been made out against her. Therefore, it is argued that she deserves to be extended benefit of pre-arrest bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned State counsel has argued that as per the allegations an amount of Rs. 30,000/- was deposited by the complainant in the bank account of the petitioner and she had also received an amount of Rs. 15,000/- in cash from him. She has criminal antecedents and as many as eight other FIRs of similar allegations have been levelled against her. Her custodial interrogation is required for conducting thorough investigation in the matter and for unearthing the mode by which the co-accused used to cheat innocent persons by making mis-representation that they would send their wards abroad. The co-accused Jyoti Mehra, Ravinder Singh and Manpreet Singh Brar have been extended benefit of regular bail and not pre-arrest bail and that too on the basis of some compromise having arrived at between the parties. The case of petitioner is not at parity with the co-accused. With these broad submissions, it is argued that the petition does not deserve to be allowed.



5. Learned counsel for the petitioner has further argued that the petitioner has been extended benefit of bail in most of the cases which have been lodged against her except in FIR No. 137 dated 08.08.2023 registered at Police Station Central, Sector 17, Chandigarh. The co-accused Manpreet Singh Brar and Jyoti Mehra have been extended benefit of bail.

6. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

7. The petitioner is alleged to have connived with the co-accused Ravinder Singh @ Ravi and Manpreet Singh Brar who were owners of M/s BB Council Company engaged in the business of facilitating student visa and is alleged to have cheated the complainant and duped him of an amount of Rs. 6,13,000/- on the pretext of sending his son abroad on study visa. The co-accused Ravinder Singh and Manpreet Singh Brar had been arrested but have since been extended benefit of bail on the ground that a compromise had been entered into between the complainant and themselves and a petition for quashing of FIR qua them has been filed. Co-accused Jyoti Mehra had also been extended benefit of regular bail. The petitioner is stated to be involved in seven more cases of similar nature. She is seeking benefit of pre-arrest bail. There are specific allegations against the petitioner that an amount of Rs. 35,000/- had been got deposited by the complainant in her bank account. Her custodial interrogation is required for unearthing her complicity with the co-accused in the subject crime. As such, her custodial interrogation is must. Moreso, no such extra ordinary or sparing



circumstance making out a case warranting exercise of powers under Section 438 of Cr.P.C. has been made out in favour of the petitioner. Therefore, I see no ground to allow the petition. Accordingly, the petition is dismissed.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

9th July, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |