

2024:PHHC:090489



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

205

CRM-M No.26284 of 2024
Date of decision: 17.07.2024

Satwinder Kaur Aujla ... Petitioner

Vs.

The State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Kulwinder Singh Lakhanpal, Advocate,
for the petitioners.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 438 of Cr.P.C. seeking pre arrest bail in case arising out of FIR No.0043 dated 03.04.2024 registered under Sections 406, 420, 506 and 120-B of IPC and Section 24 of Emigration Act, 1983 at Police Station Machhiwara, District Khanna.
2. Brief facts relevant for the purpose of disposal of the present petition are that the complainant Gurjant Singh filed a complaint against the present petitioner and others alleging therein that the petitioner and others were engaged in the business of sending people abroad in an

2024:PHHC:090489



illegal manner by taking money though they were not having any licence for the same. He alleged that the petitioner and others had taken money from him and several other persons at different places on the pretext of sending them abroad and had criminally misappropriated that money and had also cheated them. They had filed complaint before the concerned police stations but no action has been taken against them. He further alleged that on 30.07.2023, he along with other victims had gone to Machhiwara Sahib and had met the petitioner and others for the purpose of returning their money but instead of returning the same, the petitioner and other co-accused started hurling abuses to them. They also held a dharna in front of house of the petitioner. Police had also reached there. This complaint was signed by the complainant Gurjant Singh and 20 others persons. During inquiry, another complaint had been filed by Swarn Kaur wife of Krishan Lal making allegations of being duped of a sum of Rs.1,70,000/- at the hands of the petitioner and her husband Kamaljit Singh on the pretext of making arrangement of sending her two sons abroad. Initially, an inquiry was conducted in the matter on the complaints lodged by different persons as against the petitioner and her husband and then on recommendation made as per the inquiry report, FIR was registered. Investigation is underway. Apprehending her arrest, the petitioner had moved application for anticipatory bail which had been dismissed by the Court of learned Additional Sessions Judge, Ludhiana

2024:PHHC:090489



vide order dated 01.05.2024.

3. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case. No particular date, time when and the place where, money had been paid to the petitioner has been given in the complaint nor it has been mentioned that as to how much money was given to her. There is unexplained delay in lodging of an FIR. One of the complainants namely, Ranjit Singh had sworn an affidavit in favour of the petitioner. The custodial interrogation of the petitioner is not required. No recovery is to be effected from her as the same already stands effected. She is ready to join the investigation. 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 as per which, the petitioner along with her husband has remained involved in cheating several public persons on the pretext of sending them abroad by taking huge amount of money from them. Several FIRs have been registered against the petitioner. The investigation has revealed that huge amount of money was transferred in the account of the petitioner by the family of the complainant/complainant who were seeking immigration to Canada. The details of these transfers have been mentioned in Para No.4 (i) of the status report. The husband of the petitioner in connivance with her, had provided a fake ticket to him. The petitioner had taken an amount of Rs.4,80,000/- from the complainant which has not been

2024:PHHC:090489



returned. The custodial interrogation of the petitioner is required for proper investigation in the matter by the police and to elicit the information regarding the co-accused who were having complicity in the subject crime. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner and learned State counsel at considerable length and have gone through the record.

6. As per the allegations, the petitioner duped the complainant Gurjant Singh of a sum of Rs.4,80,000/- on the pretext of sending her family members abroad and making arrangement for visa, tickets etc. for them. She is alleged to have provided fake flight tickets not only to the family of the complainant but other victims as well who have filed separate complaints against her. As many as three more cases of similar nature are pending against her. As submitted in the status report, huge amount of money is to be recovered from the petitioner. Keeping in view the gravity of the allegations as levelled against the petitioner who while being involved with her husband and other co-accused is alleged to have deceived/cheated innocent persons of their hard earned money and her antecedents as well as to elicit the truth, in my opinion, her custodial interrogation is certainly required. More so, no extraordinary or sparing circumstances warranting exercise of powers under Section 438 of Cr.P.C. in favour of the petitioner is shown to have been made out. As

2024:PHHC:090489



such, I do not see any reason to allow this petition. Accordingly, the same is dismissed.

17.07.2024
manju

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No