**293 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

Date of decision: 25th July, 2024

1. CRM-M-26341-2024

Suman Puri

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

2. CRM-M-26687-2024

Gurdeep Singh

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Piyush Setia, Advocate for the petitioner
in CRM-M-26687-2024.

Mr. M.L. Saini, Advocate for the petitioner
in CRM-M-26341-2024.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Sunil Goswami, Advocate for the complainant.

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MANISHA BATRA, J (ORAL):-

This common order shall dispose of the aforementioned two petitions which have been filed by the petitioner No.1 Suman Puri and petitioner No.2 Gurdeep Singh respectively seeking benefit of pre-arrest bail in case arising out of FIR No. 118 dated 07.05.2024 registered under Sections 406, 420 and 506 of IPC, 1860 at Police Station Safidon, District

Jind on the basis of a written complaint moved by the complainant Ranbir Singh on 16.10.2023 alleging therein that his son Pradhyuman Rana and son-in-law Nikhil Rana were interested to go abroad. In the month of July, 2023, one of his acquaintances namely Ravi, resident of Kaithal told him that he was involved in the business of sending people abroad. He gave him the phone number of the petitioner No.1 Suman and on contacting her, she called the complainant in her office running in the name of Kelly Immigration situated at Mohali. The complainant along with his son-in-law visited there. The petitioner No.1 Suman assured to send his son and son-in-law abroad on spending an amount of Rs. 36 lakhs. She also introduced the complainant and his son-in-law etc. to the petitioner No.2 Gurdeep Singh by representing that both of them were working together in the business of sending people abroad. On asking of the petitioners, Nikhil Rana had transferred an amount of Rs. 36,000/- in the account of the accused through Gpay on 18.07.2023. The accused had represented that initially tourist visa would be arranged for them and subsequently, the same would be made as permanent. The complainant alleged that on 18.08.2023, the petitioners sent through their phone a photograph of tourist visa for Australia for one year in the name of son and son-in-law of the complainant. The petitioners asked the complainant to send an amount of Rs. 50,000/- through Gpay which was so sent. On 24.08.2023, an amount of Rs. 1,50,000/- was taken in cash and they told the complainant that his son and his son-in-law were to fly on 01.09.2023 for Australia. On 31.08.2023, the petitioners demanded a sum of Rs. 18,00,000/- from the complainant. Two men of the petitioners were sent with the complainant to his house and the complainant gave them cash amount of Rs. 18,00,000/-. The petitioner told the son and son-in-law of the complainant to reach Delhi Airport on the night of 31.08.2023 itself as they had to catch a morning flight. On reaching Delhi Airport, the petitioner No.2 Gurdeep Singh again took an amount of Rs. 1,50,000/- in cash from the complainant on the pretext that the same was to be exchanged in dollars. Thereafter, the petitioner No.2 left the son and son-in-law of the complainant as well as himself at terminal No.3 of International Airport and did not come back. The complainant and his son etc. waited for him till 4:00 PM but he switched off his phone and stopped contacting them. The complainant alleged that the petitioners had cheated him for a sum of Rs. 21,86,000/- in *toto* by promising to send his son and son-in-law abroad and now they were threatening to kill him. After registration of FIR, investigation proceedings have been initiated and the same are under way. Apprehending their arrest, both the petitioners had moved a joint application for grant of anticipatory bail which was dismissed by learned Additional Sessions Judge, Jind vide order dated 16.05.2024.

2. Learned counsel for the petitioner No.1 Suman Puri has argued that she has been falsely implicated in this case. She is a widow. She worked as a receptionist on meagre salary, in the office of petitioner No.2 Gurdeep Singh and used to do work like dusting, cleaning and pantry. She had no concern with the dealings of petitioner No.2 Gurdeep Singh, with the complainant and other people. No amount of money was deposited in her account. She has no role in financial transactions between the petitioner

No.2 Gurdeep Singh and the complainant as well as his family members. She had no role in facilitating visa for them. The complainant has exaggerated and tailored his version with regard to giving cash amount of Rs. 18,00,000/- in cash to the petitioners. Gurdeep Singh had deposited the amount received from the son-in-law of the complainant in pursuance of some compromise. Not even a single penny has been received by her. She is ready to join investigation. Her custodial interrogation is not required. Neither any recovery is to be effected from her. Therefore, it is argued that she deserves to be extended benefit of pre-arrest bail.

3. Learned counsel for the petitioner No.2- Gurdeep Singh has argued that he has been falsely implicated in this case. There is delay in registration of the FIR which has not been explained. As per the bank transactions, an amount of Rs. 8,36,000/- had been received by him from the complainant party and he has paid an amount of Rs. 9,18,000/- to them. He is ready to join investigation. His custodial interrogation is not required. No recovery remains to be effected from him. The story of receiving cash amount of Rs. 18,00,000/- on 31.08.2023 has been concocted by the complainant. With these broad submissions, it is argued that the petition filed by him deserves to be allowed.

4. Status report has been filed by respondent-State, as per which, the investigation has revealed that the petitioners were running a business in the name of Kelly Immigration of sending people abroad. They had assured the son and son-in-law of the complainant to send them abroad on spending an amount of Rs. 36 lakhs i.e. Rs. 18,00,000/- each. As per the allegations,

after receiving huge amount of money, the petitioners sent a one year tourist visa for Australia over phone to the victims and thereafter had made them transfer an amount of Rs. 50,000/- in the bank account of the co-accused Parveen. They are also alleged to have taken an amount of Rs. 18,00,000/- in cash from the complainant on the night of 31.08.2023 and also an amount of Rs. 1,50,000/- at Delhi Airport. It is submitted that even the visa and tickets as given by the petitioners to the victims have been found to be false. According to the petitioners No.2, he has entered into a compromise with the complainant party and has deposited an amount of Rs. 18,00,000/- in the bank account of Nikhil Rana. However, amount of Rs. 20,86,000/- allegedly given by the complainant to them has not been returned except a sum of Rs. 1,00,000/-. The investigation has also revealed that an amount of Rs. 18,50,000/-was withdrawn in cash from the bank account of the complainant during the period of 12.03.2023 to 11.09.2023 supporting the fact that this much amount was paid in cash to the petitioners. Learned State counsel has argued that the allegations against the petitioners are quite serious as they are indulging in extracting money from innocent persons by making false representation and giving false assurance to send them abroad. They are proved to have sent fake visas, travel tickets and forged letter issued by insurance company and even fake booking papers of hotel etc. to the victims. The offences under Sections 467, 468 and 471 of IPC have been added during the course of investigation and after filing of these petitions. The custodial interrogation of the petitioners is required for unearthing the conspiracy as hatched by them and to unravel the mode in which they had prepared forged and fabricated documents like visa, tickets etc. and cheated the family members of the complainant. There was active connivance of the petitioner-Suman in inducing the victims to part with money in the name of sending them abroad. With these observations, it is argued that the petitions do not deserve to be allowed.

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

6. The petitioners are alleged to have induced the complainant and his family members to part with huge amount of money on the pretext of arranging visa for son and son-in-law of complainant for sending them abroad. They are further alleged to have sent fake and fabricated documents in the shape of visas, tickets, hotel booking etc to the victims. The petitioner-Suman has claimed that she was working as a receptionist but she is alleged to have been actively involved in alluring the complainant and cheating huge amount of money from him in connivance with the petitioner Gurdeep. Simply because money given by the son-in-law of the complainant has been returned does not prove the innocence of the petitioners. It has also come on record the petitioners had given cheques amounting Rs. 20,0000/- for settling the matter which have been dishonored. The allegations against the petitioners are serious in nature. For conducting thorough investigation in the matter, the custodial interrogation of the petitioners is must. Moreso, it is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other

purposes. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discussion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present cases, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, I am of the considered opinion that the petitions do not deserve to be allowed. Accordingly, the same are dismissed.

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

8. Since the main petitions have been dismissed, pending application, if any, is rendered infructuous.

9. Photocopy of this order be placed on the file of connected case.

[MANISHA BATRA]
JUDGE

25th July, 2024
Parveen Sharma

1. Whether speaking/ reasoned : Yes
2. Whether reportable : Yes