

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-31659-2024 (O&M)

Date of Decision: 05.07.2024

Amritpal Kaur

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Lakhwinder Singh, Advocate for the petitioner

Sandeep Moudgil, J.
Relief

(1). This petition under Section 438 CrPC has been filed by the petitioner seeking anticipatory bail in case FIR No.201 dated 04.07.2023 under Sections 406/420/120-B IPC registered at Police Station City Ratia, District Fatehabad.

Facts

(2). Brief facts of the present case are that a complaint was filed by complainant Jasbir Singh wherein he stated that on 14.05.2022, Shivdeep son of Hardev, resident of Burj Mansa, District Bathinda (Punjab) came told him about Lovedeep Singh son of Jagtar Singh, resident of Kewal Patti Panj Grayian, District Faridkot (Punjab) Lovedeep Singh, his sister Jaspreet Kaur, Amritpal Kaur and one another girl, her friend named Pooja, these persons used to send people abroad. On the next day, Shivdeep Singh and Lovepreet Singh came to him and made false promises and impressed their family. They asked them to deposit Rs.9,00,000/- and stated that they will send him to Portugal and then to Germany. Upon this, he and his family members stated that they do not have such huge amount whereupon they asked them to deposit money in installments. In the meanwhile, Umesh son of Chaina Ram also came there who

was also allured to go abroad. He and his family members borrowed money from friends and relatives, they also sold gold ornaments of his mother as well as cattles and all the amount was paid in installments. After the whole amount was paid, the accused persons took him to Delhi, then to Indonesia and then to Thailand. However, he was taken to Delhi and then was asked to go to Amritsar and thereafter, the accused persons eloped. Hence, the present FIR was lodged.

Submission by the petitioner

(3). Learned counsel for the petitioner submits that he has been falsely implicated as the main accused was Lovepreet Singh and Shivdeep Singh who had defrauded the complainant and there is not even a single allegation against the petitioner, who has no criminal antecedents as she was working as a Nurse in Ksrsnaa Diagnostic Private Limited, Bathinda and then as a consultant with an IT company w.e.f. 01.09.2023 to 15.01.2024.

(4). It is further argued that no amount has been given to the petitioner as neither the petitioner has received any money nor is there any allegation that she was involved or asked the complainant to deposit the said amount in her account and the only reason for false implication of the petitioner is that she is the sister of the co-accused. He further exhorted that the complainant should be asked as to how he gave such a huge amount without first verifying the antecedents of the actual culprits.

State's contention

(5). Learned State counsel opposed the prayer made by the counsel for the petitioner on the ground that the petitioner and other co-accused persons have been found actively involved in duping the people on the pretext of sending them abroad and moreover, it has also come on record and otherwise

admitted by the petitioner herself that she received some amount in her bank account from the complainant side and the said amount is yet to be recovered from the petitioner.

Analysis

(6). The prima facie case of the prosecution is that the petitioner actively participated in *kabootarbazi* as can be gauged from the fact that she booked the air ticket of the victim and even accompanied him to the airport. The petitioner even admitted that Rs.9 lakhs were deposited by the complainant, but on the asking of the co-accused Lovepreet Singh and Shivdeep Singh, on the pretext that they are unable to undertake such transactions.

(7). As to why the petitioner was chosen by the co-accused to transfer/receive such amount in her account and the manner she received such huge amount despite the fact that she herself was working in some company and must be operating salary account, are some of the questions which glare at the face of the petitioner to which her learned counsel has not been able to satisfy this Court. The circumstances put forth by the prosecution hinges against the petitioner and as such she cannot be extended any benefit of doubt which all the more becomes evident in view of the stand of the learned State counsel that the proceeds of crime are yet to be recovered and therefore her custodial interrogation is very much required.

(8). Dismissed.

05.07.2024
V.Vishal

(Sandeep Moudgil)
Judge

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes/No
Yes/No