

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

CRM M-39539-2023 (O&M)
Date of Decision: 16.01.2024

Kirandeep Kaur

..... Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. R.S. Thind, Advocate,
for the petitioner.

Mr. M.S. Tiwana, AAG, Punjab.

Mr. Saurabh Arora, Advocate,
for respondent No.2/complainant.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for grant of pre-arrest bail to the petitioner in FIR No.109 dated 25.06.2023, under Sections 406 & 420 IPC and Section 24 of the Emigration Act, 1983 at Police Station, Sadar Jagraon, Ludhiana Rural.

2. Allegations in brief are that petitioner has duped the complainant to the tune of Rs.18,40,000/- on the pretext of sending his son abroad.

3. A Coordinate Bench of this Court vide order dated 11.08.2023, granted interim bail to petitioner and the same reads as under:-

“Through the instant petition, the petitioner seeks anticipatory bail in case bearing FIR No.109 dated 25.06.2023, registered under Sections 406, 420 IPC and Section 24 of the Immigration Act, at Police Station Sadar Jagraon, Ludhiana Rural.

Learned counsel for the petitioner submits that the petitioner is a professional consultant and has been running a consultancy firm in the name and style of M/s Advance IELTS Institute in Moga, for which he has a valid license as well. It is not disputed by the learned counsel for the petitioner that the petitioner has received a sum of Rs.25,000/- for providing consultancy service to the son of the complainant, namely, Lovepreet Singh Sidhu, to Canada for higher studies.

Learned counsel for the petitioner further submits that on 14.08.2019, Rs.14,00,000/- was given to the College concerned as fees and that \$10,000 was deposited in the name of Lovepreet Singh Sidhu (son of the complainant) with the Bank of Nova Scotia on 21.08.2019, as would decipher from Annexure P-2.

Learned counsel for the petitioner relies upon the receipt dated 16.08.2019 (Annexure P-3) to contend that another sum of \$13,750 was deposited in the College Technique De Montreal, Treal Quebec Canada, through service provider, namely, Green Channel Travels Services. He further submits that the process could not materialize due to Covid-19 pandemic and that the petitioner is facing five more cases of similar nature, though in bail in all the cases except in one.

Learned counsel for the petitioner further submits that the amount deposited by the son of the complainant was either fees or investment (mandatory before joining college in Canada) and that the petitioner is ready to take up the matter with the College concerned for refund of the fees and other charges and for that matter, he need assistance/help of the son of the complainant and the complainant, as some documents and their signatures are required.

Notice of motion.

On the asking of this Court, Mr. Gurdarshan Singh Sidhu, AAG, Punjab, accepts notice on behalf of the respondent-State.

Adjourned to 05.10.2023.

Meanwhile, the petitioner is directed to join the investigation and if she is sought to be arrested, she shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal

Procedure.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police.”

4. Learned counsel on instructions from petitioner submits that in pursuance of the aforesaid order, she joined investigation and her custodial interrogation is not required by the Police.

5. The above factual position is duly acknowledged by learned State Counsel, on instructions from quarter concerned and fairly submitted that custodial interrogation of the petitioner is not required, at this stage.

6. Learned counsel for respondent No.2/complainant opposes the prayer of the petitioner while submitting that amount has gone into the account of the petitioner.

7. Heard learned counsel for the parties and perused the paper-book.

8. Perusal of statement dated 16.08.2019 (P-3) shows that 13750.00 Canadian Dollars were deposited in the bank account of institution i.e. College Technique De Montreal 8255 Mountain Sights Bureau 150 MON Treal Quebec Canada and not in favour of the petitiomer.

9. In view of above, interim order dated 11.08.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

10. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

11. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

12. Disposed off accordingly.

13. Pending criminal misc. application(s), if any, shall also stand disposed off.

16.01.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No