IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.203

Case No. : CRM-M-38051-2024

Decided On : September 06, 2024

Aarti Sindhu @ Sonia .... Petitioner

vs.

State of Haryana .... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. G. C. Shahpuri, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

Mr. Gautam Kumar, Advocate
for Mr. Satnam Singh Gill, Advocate
for the complainant.

* * *

GURBIR SINGH, J. :

1. The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.275 dated 29.05.2024, under Sections 406/420/120-B IPC and Section 10/24 of the Immigration Act, registered at Police Station Sadar, Thanesar, District Kurukshetra (Annexure P-1).

2. Reply, by way of affidavit of Om Parkash, HPS, DSP (City), Kurukshetra, on behalf of respondent – State of Haryana, has been filed, which is ordered to be taken on record, subject to all just exceptions.

3. The FIR in question was lodged on the basis of written complaint made by one Vikas son of Subhash, alleging therein that petitioner Arti

Sindhu was got introduced by one Surjeet, who was known to his father. It was claimed that said Arti Sindhu was running business of sending persons abroad. Since the complainant Vikas was interested in going abroad to settle there, petitioner was approached by them and demand of Rs.30,00,000/- was raised to get the needful done. On 15.11.2022, Surjeet came to work place of complainant's father and Rs.5,00,000/- in cash, passport, PAN Card and Aadhar Card of complainant were handed over to him in lieu of assurance given by him that he would get the complainant settled in USA and also get the work permit delivered within two months. Thereafter, father of the complainant also transferred an amount of Rs.5,00,000/- to the account of the petitioner on different dates. Not only this, an amount of Rs.10,00,000/- was also transferred by the complainant in the bank account of the petitioner through different bank transactions on different dates. However, the complainant was not sent to USA.

4. In the meantime, during the month of June 2023, another offer was given to the complainant and his father, for getting VISA for New Zealand. When the father of the complainant consented to the same, the deal was settled for Rs.15,00,000/-. The petitioner handed over a cheque amounting to Rs.5,00,000/- in favour of the complainant, while saying that the complainant would be reaching New Zealand on 07.08.2023 and on his reaching there, the said cheque be encashed.

5. On 02.07.2023, VISA for New Zealand and some other documents including hotel booking for 08.08.2023, were handed over to the complainant. Accordingly, the complainant reached Delhi Airport on 07.08.2023 as per his documentation, where he was told by the Authorities

at the Airport that he was carrying fake VISA. So, he could not board the flight and he came back home.

6. After reaching home, he contacted the petitioner for return of his amount. He was promised that he would get his amount back with further request not to take any legal action regarding false VISA. The cheque given by the petitioner for Rs.5,00,000/- was presented for encashment, but the same was dishonoured with remarks of 'insufficient funds'. In this way, complainant and his father were cheated for a huge sum of Rs.20,00,000/-. It has further been alleged in the FIR that the petitioner flatly refused to return the aforesaid money and threatened them with dire consequences.

7. The complainant submitted a complaint dated 06.09.2023 to the Economic Offence Wing, Kurukshetra, wherein an affidavit dated 23.11.2023 was tendered by the petitioner Arti Sindhu that she would make payment on 01.12.2023 and 15.12.2023, but till date, no payment has been made.

8. Learned counsel for the petitioner has argued that the petitioner is innocent and has been falsely implicated in the case. In fact, the petitioner has paid the entire amount to Gurdeep and Manjeet, who have been doing the work of Visa Consultancy in Mohali. They are the actual culprits. They did not return the money, which was paid to them by the petitioner. The petitioner has also made a complaint dated 04.12.2023 (Annexure P-2) against the said Gurdeep and three other persons and they all were called by the Economic Crime Branch vide notice dated 20.06.2024 (Annexure P-3).

9. It has further been argued by learned counsel for the petitioner that the main culprit Gurdeep Singh, to whom the petitioner has paid the amount

for getting the work done of the complainant, has also admitted about receiving amount of Rs.10,00,000/-, which fact is clear from the affidavit (Annexure P-5) duly sworn by Gurdeep Singh and petitioner herself. She only received part amount of Rs.4,25,000/-, out of which she has already returned Rs.2,00,000/- in cash to the complainant vide receipt dated 20.12.2023 (Annexure P-6), Rs.1,00,000/- has been transferred through bank account and Rs.75,000/- has also been paid in cash, meaning thereby that she has returned amount of Rs.3,75,000/- to the complainant party. There was no mansrea on the part of the petitioner.

10. Learned State counsel, accompanied by learned counsel for the complainant, has vehemently opposed the bail petition, submitting that during investigation, several notices were issued to the petitioner through Whatsapp messages but she did not care for the same. She is still at large and has failed to join the investigation in the present case. The bank statements of the petitioner and her father, which were taken into police possession for investigation, reveal that she issued a cheque dated 06.07.2023, amounting to Rs.5,00,000/- in favour of the complainant, but the said cheque was dishonoured and complaint in this regard is also pending before the learned Trial Court. The arrest of another accused is also pending. Recovery of Rs.20,00,000/- is yet to be effected and petitioner is not joining the investigation. In these circumstances, it would not be appropriate to grant her concession of anticipatory bail. Moreover, she is habitual of committing such type of crimes because seven cases of similar nature are already pending against her. The investigation of the case is at initial stage and to reach the logical end of the present case and also to

recover the amount in question, custodial interrogation of the petitioner is very necessary. So, the petitioner does not deserve concession of anticipatory bail.

11. I have heard the rival submissions of learned counsel for the parties and perused the case file.

12. In the present case, this is an admitted fact that the petitioner received huge amount from the complainant and his father on the pretext of sending complainant to USA but failed to do so. Then again, she convinced the complainant party to get the VISA for New Zealand instead of USA. However, she again cheated them by issuing fake VISA, thereby causing a lot of harassment to the complainant at the Airport when he went there for boarding the flight. The matter did not end here, she also issued a cheque amounting to Rs.5,00,000/- in favour of complainant but the said cheque was dishonoured. An affidavit, sworn by the petitioner and her co-accused for returning the amount of the complainant, was also proved to be a futile exercise, wherein she claimed herself to be innocent by alleging that amount of Rs.10,00,000/- was taken by co-accused, as admitted by him and that amount remained to be returned. The Court cannot ignore the true fact that it was the petitioner who had misrepresented the complainant and took money from the complainant side and not the other co-accused, who came into picture afterwards when she revealed that she had assigned the work to someone else and had also handed over the complainant's money to him. Otherwise, the complainant party paid the money to the petitioner and not to the co-accused. The conduct of the petitioner reveals that she has no respect for law and order and many cases of similar nature are registered against her.

She is not only cheating the general public in terms of money but also causing mental agony by her conduct. So, in these circumstances, if she is granted anticipatory bail, it may hamper the investigation. At present, since she herself and another co-accused, both are yet to be arrested, and investigation is at the initial stage, the Court has been left with no other option, but to decline the present petition because when a person is equipped with a favourable order of anticipatory bail, then interrogation becomes a mere ritual.

13. Keeping in view the gravity of offence, nature of crime, its adverse effect on the society and above all, conduct of the petitioner, I do not find it to be a fit case for grant of anticipatory bail. The present petition is without any merit and is accordingly dismissed.

14. However, nothing observed herein above shall be construed to be an expression of opinion on the merits of the case. The observations recorded above are only for the purpose of deciding the present bail petition.

15. Pending applications, if any, shall stand disposed of along with this judgment.

September 06, 2024 **(GURBIR SINGH)**
monika **JUDGE**

Whether speaking/reasoned ?	*Yes/No.*
Whether reportable ?	*Yes/No.*