

**CRM-M-39621-2024 and connected case****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH***********104 + 219****(I) CRM-M-39621-2024
Date of Decision : August 20, 2024****SAMEER KHAN****-PETITIONER****V/S****STATE OF PUNJAB****-RESPONDENT****(II) CRM-M-35205-2024****MOMALPREET KAUR****-PETITIONER****V/S****STATE OF PUNJAB****-RESPONDENT****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI****Present: Mr. Satish Chaudhary, Advocate
for the petitioner (in CRM-M-39621-2024).****Mr. Nitin Sachdeva, Advocate
for the petitioner (in CRM-M-35205-2024).****Mr. Pardeep Bajaj, D.A.G., Punjab.****Mr. P.K.S. Phoolka, Advocate
for the complainant.***********KULDEEP TIWARI, J. (ORAL)**

1. The amenability of both these petitions for being decided through a common verdict has originated from them being arising out of a common FIR, besides common relief(s) being yearned therein.

2. To be precise, in both these petitions, the petitioners have sought the concession of anticipatory bail, in case FIR No.40 dated 19.04.2024, under

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Sections 420, 467, 468 and 471 of the IPC, registered at P.S. Bhadaur, District Barnala.

3. The genesis of the present FIR is embodied in a complaint made by one Gurtej Singh (hereinafter referred to as the 'complainant'). Succinctly stated, the complainant levelled allegations that, one Kulwinder Singh and Momalpreet Kaur (petitioner), who are husband and wife, received ₹ 22 lacs in their separate accounts, on the pretext of sending his son abroad. The further allegations levelled by the complainant are that, these accused provided forged visa to his son and this fact came to their knowledge when his son reached Delhi Airport to board his flight. The complainant also gave the details of cash/bank transactions in his complaint, where through, he transferred the amount (supra) in the account(s) of accused, including the present petitioner Sameer Khan.

4. The learned counsel for the petitioner- Momalpreet Kaur has made submissions that, the petitioner is neither the wife of co/main accused Kulwinder Singh, nor she has any concern or connection with the transactions (if any) occurred *inter se* the complainant and her co/main accused. Moreover, there is no allegation that the petitioner had ever actively participated in inducing the complainant to part with his money. Concluding his arguments, he has submitted that, in case the complainant has actually transferred the amount of ₹ 22 lacs, either through cash or bank transactions, an inquiry be got conducted regarding the source of such money.

5. The learned counsel for the petitioner- Sameer Khan has, while addressing arguments, portrayed a totally contrasting picture, inasmuch as, he has levelled allegations against the petitioner- Momalpreet Kaur that, she is



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one of the main persons, who is running the immigration firm namely ‘Sai Ji Immigration’ and she along with her co-accused Kulwinder Singh has cheated the petitioner- Sameer Khan also. He has further submitted that, insofar as transfer of ₹ 3 lacs in the account of petitioner- Sameer Khan is concerned, accused Kulwinder Singh owed him that amount and that’s why this transfer occurred.

6. *Per contra*, the learned State counsel, who is assisted by Mr.P.K.S. Phoolka, Advocate, who records his appearance on behalf of the complainant, under validly executed Vakalatnamas instituted before this Court today, has vociferously opposed the submissions made by the learned counsels for the petitioners. He has also filed a status report (in CRM-M-35205-2024), on affidavit of Gurbinder Singh, PPS, Deputy Superintendent of Police, Sub Division Tapa, District Barnala, which is taken on record.

7. A perusal of the status report reveals that, it embodies the hereinafter extracted details of cash/bank transactions, wherethrough, the complainant transferred money in the account of the accused, including the present petitioner(s).

Date	Amount	From which and whose account, the amount was transferred	Account number of accused persons, in which money transferred	Mode of payment
24.05.2023	20,000/-	501003331332222 of Daljit Singh of HDFC Bank	Through UPI Id Ksandhu9785@oksbi working in Mobile No. 99886-97230	Google Pay
27.06.2023	1,00,000/-	-do-	-do-	Google Pay
28.06.2023	48,000/-	356401502062 of Daljit Singh of ICICI Bank	-do-	Google Pay
29.06.2023	41,000/-	-do-	-do-	
30.06.2023	50,000/-	-do-	-do-	



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12.06.2023	2,00,000/- (in three times i.e. Rs.1000, 99000 and 1,00,000/-)	356401502062 of Daljit Singh of ICICI Bank	6512911499 of Sameer Khan	Bank transfer
13.06.2023	2,00,000/-	65073195365 of Gurtej Singh (complainant) (SBI Bank)	Vipan Parvej 50200081074314	
13.06.2023	5,00,000/-	50100415525863 of Gurtej Singh (complainant) (HDFC Bank)	Deposited in the Bank Account No.50200081074314 of Vipin Parvej of HDFC Bank Branch Khanpur	In cash
13.06.2023	3,00,000/-	356401502062 of Daljit Singh of ICICI Bank	-do-	
30.06.2023	6,00,000/-	Given by Daljit Singh and Gurtej Singh to Kulwinder Singh and Momalpreet Kaur (in cash) in the presence of witnesses namely Gurjot Singh son of Sukhpal Singh and Harvinder Singh son of Bakhsinder Singh.		In cash
Total amount received by the accused	20,59,000/-			
Amount returned Kulwinder	5,00,000/-	To Gurtej Singh (complainant)		In cash
Net amount for which complainant was cheated	15,59,000/-			

8. Moreover, during investigation, the complainant handed over photograph(s)/video to the investigating agency, thus displaying that the petitioner- Momalpreet Kaur not only received money, but also actively participated in inducing the complainant to part with his money on the pretext of sending his son abroad. The exact role of the petitioner- Momalpreet Kaur, as disclosed in the status report, is reproduced hereunder:-

“8. The present FIR was registered against the accused Kulwinder

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Singh, Shahjad Khan and Sameer Khan. Accused Kulwinder Singh and Shahjad Khan @ Shahjad Mohammad were arrested on 09.06.2024. During interrogation, accused Kulwinder Singh disclosed in detail about receiving/getting transferred rupees 14,59,000/- by him and his other co-accused and also about receiving another amount of rupees 6 lakh by him and his wife Momalpreet Kaur on 30.06.2023 in their office at village Kohara in the presence of witnesses (totalling Rs.20,59,000/-), keeping an amount of rupees 2 lakh by Momalpreet Kaur and returning of rupees 5 lakh to the complainant, when visa of Daljit Singh was found to be forged. So, Momalpreet Kaur (present petitioner) and her other co-accused by taking an amount of Rs.15,59,000/- and by issuing fake visa of Daljit Singh have cheated the complainant for Rs.15,59,000 So, a specific role is attributed to the petitioner in the commission of present offence.”

9. Insofar as the role of petitioner- Sameer Khan is concerned, it surges forth from the record that the complainant had transferred amount(s) in his account at the behest of the main accused Kulwinder Singh and details of such transfers are already extracted hereinabove. Now, insofar as the victim card played by the petitioner- Sameer Khan is concerned, it is merely an oral assertion and there is nothing available on record to substantiate this assertion. The learned State counsel has made a specific submission that petitioner- Sameer Khan is one of the persons, who worked in close association with the main accused Kulwinder Singh.

10. It would also be apt to record here that, this Court vide order dated 25.07.2024 (passed in CRM-M-35205-2024), granted interim bail to the petitioner- Momalpreet Kaur and also directed her to join the investigation. Today, the learned State counsel has, on instructions imparted to him by A.S.I. Avtar Singh, informed this Court that although the petitioner- Momalpreet Kaur joined the investigation, however, she remained evasive and



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did not cooperate with the investigating officer.

11. For all the reasons (supra), especially taking into account the roles assigned to the petitioners in committing cheating with a gullible person, as also the fact that their co-accused Kulwinder Singh has already been arrested, this Court is not inclined to grant the extraordinary relief of anticipatory bail to the petitioners. Consequently, both these petitions are hereby **dismissed** and the concession of interim bail granted to petitioner- Momalpreet Kaur is also revoked.

12. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petitions only.

13. A photocopy of this order be placed on file of connected case.

August 20, 2024
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No