

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-42804-2023

Reserved on: 05.02.2024

Pronounced on: 07.02.2024

2024:PHHC: 017007

SHIVDEEP KAUR

. . . . PETITIONER

Vs.

STATE OF PUNJAB

. . . . RESPONDENT

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Amit Arora, Advocate, for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

Mr. Devansh Gupta, Advocate, for
Mr. Vineet Sachdeva, Advocate,
for the complainant.

DEEPAK GUPTA, J.

By way of this petition filed under Section 438 Cr. PC, petitioner prays for grant of anticipatory bail in case FIR No.281 dated 19.07.2023 under Sections 420 IPC registered at Police Station Ferozepur, District Ferozepur.

2. FIR was registered on the complaint of Bablu, as per which in February 2021, he visited Overseas Work Zone, Gobind Nagri, Baghi Road, Ferozepur City, where petitioner met him and assured him to send him to Canada. Deal was settled for an amount of ₹10 lakh. During Visa process, petitioner obtained ₹7,25,000/- from the complainant in installments. Eventually, the Visa was handed over by the petitioner to the complainant for Canada, but at the time of boarding at the Airport, the Visa was found to be the fake document. Complainant approached the petitioner to return the money, but she refused.

3. Investigation was conducted, in which it was found that petitioner had obtained ₹7,25,000/- on different dates from the complainant on the pretext of arranging Visa for the complainant for going to Canada. This amount included ₹50,000/- as ticket fee, ₹1,80,000/- as refundable amount and ₹5 lakh to be deposited in the shape of Fixed Deposit in Capital Small Finance Bank. In lieu of the refundable amount, the petitioner had also issued a security cheque. It is the petitioner, who provided Visa to the complainant, but at the time of departure of the complainant, at the Airport, the Visa was found to be the fake document.

4. Ld. counsel contends that petitioner has been falsely implicated; that she is the registered travel agent, who had applied for the work permit Visa of the complainant to Canada and after submission of the entire file with the Department of Immigration, Refugees and Citizenship Canada, the visa of the complainant was duly issued, which was valid from 23.11.2021 to 23.11.2023, but due to some unknown reasons, the petitioner could not get immigration clearance at the time of departure. Petitioner submits that all the documents pertaining to processing of the file of the complainant for immigration work Visa to Canada were submitted online on the official website of Canada for immigration and citizenship and after completion of necessary formalities, Visa was applied. Ld. counsel contends further that the entire case is dependent upon documentary evidence; that nothing is to be recovered from the petitioner; that she is ready to join investigation and so, she be granted anticipatory bail.

5. On 06.09.2023, counsel for the petitioner placed on record copy of an email received by him from Qatar Airlines in order to contend that Visa in question was not fake and rather, complainant had stayed more

than allowed on the Visa. State was asked to file its report regarding the genuineness of the Visa in question.

6. In compliance of the aforesaid order, the respondent-State placed on record affidavit of Shri Balkar Singh, PPS, Deputy Superintendent of Police (Detective), Ferozepur, para No.4 of which is quite relevant. It reads as under: -

“That further in order to verify the Visa of passport no. R8376724 in the name of Bablu son of Ram Garib, r/o House no. J-5, Canal Pira Wala, Tehsil and District Ferozepur, a letter no.2068/57 dated 25.10.2023 has been sent to Ministry of External Affairs, PV-II Section; CPV Division, Patiala House, New Delhi-110001 by Station House officer, Police Station City Ferozepur. Further a letter no.13370 LITB dated 25.11.2023 has also been sent from the office of Senior Superintendent of Police in this regard to verify the said facts. Along with the letter, the copy of the passport of Bablu has also been sent.

*In response to the letter of Station House officer bearing no.2068/57 dated 25.10.2023, Ministry of External Affairs sent a letter dated 04.12.2023 to SHO, PS: City Ferozepur alongwith the verification report given by Government of High Commission of Canada, Post Box 5209 Shanti Path, Chanakyapuri New Delhi and as per the said report. **"The visa document no.E733405790 exist, but not with the name and passport number as displayed on the document attached in your request and hence is fraudulent"**. The true copy of the letter of Ministry of External Affairs bearing no.VII/407/6/03 dated 04.12.2023 addressed to SHO PS: City Ferozepur is annexed as Annexure R-1. The true copy of report of Government of Canada is annexed as Annexure R-2.”*

7. It is evident from the aforesaid affidavit filed on behalf of the respondent/State that Visa document, as handed over by the petitioner to the complainant, was a fake document.

8. In the aforesaid facts and circumstances, the custodial interrogation of the petitioner may be necessary, as is rightly contended by ld. State counsel, so as to unearth the entire truth and to know the modus operandi of creating the fake Visas and also to know the other persons involved in this racket of preparing fake documents.

9. After hearing submissions of both the sides, this Court is not inclined to grant anticipatory bail to the petitioner.

Dismissed.

07.02.2024
Vivek

(DEEPAK GUPTA)
JUDGE

- | | |
|-------------------------------|-----|
| 1. Whether speaking/reasoned? | Yes |
| 2. Whether reportable? | No |