



**CRM-M-41547-2024 and
CRM-M-42247-2024**

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

289+290

Date of decision: 2nd September, 2024

1. CRM-M-41547-2024

Suman Puri

...Petitioner

Versus

State of Haryana

...Respondent

1. CRM-M-42247-2024

Gurdeep Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Amandeep Saini, Advocate for the petitioners.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

This common order shall dispose of the aforementioned two petitions which are the second petitions for grant of pre-arrest bail as filed by the petitioners Suman Puri and Gurdeep Singh respectively, seeking benefit of pre-arrest bail in case arising out of FIR No. 118 dated 07.05.2024 registered under Sections 406, 420 and 506 of IPC, 1860 at Police Station Safidon, District Jind.



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2. Relevant facts in brief are that the aforementioned FIR was registered on the basis of a written complaint filed by complainant Ranbir Singh on 16.10.2023 alleging therein that his son Pradhyuman Rana and son-in-law Nikhil Rana were interested to go abroad. On being told by some acquaintance that the petitioners were involved in the business of sending people abroad, the complaint contacted the petitioner in July, 2023, who called him in her office running under the name of “Kelly Immigration” and was situated at Mohali. The complainant along with his son-in-law visited there. The petitioner No.1 Suman assured to send his son and son-in-law abroad on spending an amount of Rs. 36 lakhs. She also introduced the complainant and his son-in-law etc. to the petitioner No.2 Gurdeep Singh. On asking of the petitioners, Nikhil Rana son-in-law of complainant had initially transferred an amount of Rs. 36,000/- in the account of the accused through Gpay on 18.07.2023. The accused had represented that initially tourist visa would be arranged for them and subsequently, the same would be made as permanent. The complainant alleged that on 18.08.2023, the petitioners sent through their phone, a copy of visa for Australia for one year in the name of son and son-in-law of the complainant. The petitioners then asked the complainant to send an amount of Rs. 50,000/- through Gpay which was so sent. On 24.08.2023, an amount of Rs. 1,50,000/- was taken in cash and they told the complainant that his son and his son-in-law were to fly on 01.09.2023 for Australia. On 31.08.2023, the petitioners demanded a sum of Rs. 18,00,000/- from the complainant. Petitioners sent two of their



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men with the complainant to his house and the complainant gave them cash amount of Rs. 18,00,000/-. The petitioner told the son and son-in-law of the complainant to reach Delhi Airport on the night of 31.08.2023 itself as they had to catch a morning flight. On reaching Delhi Airport, the petitioner No.2 Gurdeep Singh again took an amount of Rs. 1,50,000/- in cash from the complainant on the pretext that the same was to be exchanged in dollars. Thereafter, the petitioner No.2 left the son and son-in-law of the complainant as well as himself at terminal No.3 of International Airport and did not come back. The complainant and his son etc. waited for him till 4:00 PM but he switched off his phone and stopped contacting them. The complainant alleged that the petitioners had cheated him for a sum of Rs. 21,86,000/- in *toto* by promising to send his son and son-in-law abroad and now they were threatening to kill him. After registration of FIR, investigation proceedings have been initiated and the same are under way. Apprehending their arrest, both the petitioners had moved a joint application for grant of anticipatory bail which was dismissed by learned Additional Sessions Judge, Jind vide order dated 16.05.2024.

3. Thereafter, the petitioner Suman Puri had filed petition CRM-M-No.-26341-2024, whereas the petitioner Gurdeep Singh had filed petition CRM-M-No.-26687-2024 before this Court making prayer for grant of anticipatory bail. Both these petitions were dismissed by a common order dated 25.07.2024.

4. It is submitted by learned counsel for the petitioner-Suman Puri



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that the second petition for grant of pre-arrest bail is very much maintainable as in the previous petition, she had taken a categorical plea that she was ready to pay an amount of Rs. 20,00,000/- to the complainant in lieu of the amount of cheque of Rs. 20,00,000/- which stood dishonoured. She was ready to pay that amount while filing her previous petition and even as on date but while passing the order dated 25.07.2024, the said fact had not been taken into consideration and this fact amounts to substantial change in circumstances. Keeping in view the fact that the petitioner-Suman Puri does not have any criminal antecedent and she is ready to give an amount of Rs. 20,00,000/- by way of cheque or demand draft, she deserves to be extended benefit of pre-arrest bail. She is ready to abide by the conditions as imposed by this Court and is ready to join the investigation as and when required. Therefore, it is urged that the petition filed by her deserves to be allowed. To fortify his arguments, learned counsel has relied upon a judgment given by Co-ordinate Bench of this Court ***Bhisham Singh Vs. State of Haryana, 2024(3) RCR (Criminal) 65.***

5. Learned counsel for the petitioner-Gurdeep Singh has submitted that only a sum of Rs. 9,00,000/- was proved to have been withdrawn by the complainant from his bank account and there is nothing on record to show that the said amount had been given to the present petitioner. Rather eight days after 31.08.2023, an amount of Rs. 29,00,000/- has been deposited in the bank account of the complainant which shows that the transactions were given a colour to implicate him falsely in this case. It is submitted that since



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this fact had not been taken into consideration at the time of the passing of order dated 25.07.2024, therefore, the petition filed by him deserves to be allowed. It is also submitted that petitioner-Gurdeep Singh is also ready to join the investigation and his custodial interrogation is not required.

6. Status report has been filed by learned State counsel in CRM-M-41547-2024 and he submits that this report be treated as status report of CRM-M-42247-2024 also. It is argued that the previous petitions filed by the petitioners had been dismissed by taking into consideration all the pleas of petitioners and by passing a detailed order. No such change in circumstances had occurred which entitled the petitioners to file these petitions. While stressing that the petitions are not maintainable, it is urged that the same are liable to be dismissed.

7. I have heard learned counsel for the petitioners at considerable length and have gone through the record carefully.

8. The present petitions have been filed by the petitioners within two months from the date of dismissal of the previous petitions for grant of pre-arrest bail by this Court. So far as the question of maintainability of the present petitions being the second ones is concerned, the position of law in this regard has been discussed in citation relied upon by the petitioner. The principle of law as culled out from the same is that though second/successive anticipatory bail is maintainable, and cannot be rejected only on the ground of maintainability thereof but for such petition to succeed, the petitioner must show some substantial change in the circumstances/fact situation and it



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would not be sufficient to show a mere superficial or ostensible change. There must be some change in the fact situation or in law requiring the earlier view to be interfered with. Considering the fact of the present case in view of the above discussed position of law with regard to the maintainability of the second petition for grant of anticipatory bail, the only ground which has been pressed into service by the petitioner Suman Puri is that she is ready to give an amount of Rs. 20,00,000/- to the complainant, whereas the plea that has been taken place by the petitioner- Gurdeep Singh is that since withdrawal of an amount of Rs. 9,00,000/- only has been shown to be made from the bank account of the complainant and as some substantial amount was deposited in his account after lodging of FIR, therefore, the story that he had given an amount of Rs. 21,86,000/- to the petitioners is concocted one. In my considered opinion, the circumstances as narrated by both the petitioners do not amount to some specious and substantial change in the fact situation. The allegations against the petitioner are that in connivance with each other, they had induced the complainant and his family members to part with huge amount of money on the pretext of sending the son and son-in-law of the complainant abroad. They gave fake and fabricated documents in the shape of VISA, tickets, Hotel booking etc to the victims. Their previous petitions for grant of anticipatory bail have been dismissed by discussing all the pleas as taken by them, in detail. In ***G.R. Ananda Babu Vs. State of Tamilnadu and another, 2021 (1) RCR (Criminal) 843***, it was observed by Hon'ble Supreme Court that successive



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anticipatory bail applications should not be entertained, once the previous application is rejected by speaking order and that too by same Judge. As no such new ground has been made out on the basis of which, it can be contemplated that the petitioners have become entitled to grant of pre-arrest bail, hence, I am of the considered opinion that the second petitions for grant of pre-arrest bail as moved by the petitioners are not maintainable. Accordingly, the same are dismissed.

9. Since the main petitions have been dismissed, pending application, if any, is rendered infructuous.

10. Photocopy of this order be placed on the files of connected cases.

**[MANISHA BATRA]
JUDGE**

2nd September, 2024

Parveen Sharma	1. Whether speaking/ reasoned	:	Yes / No
	2. Whether reportable	:	Yes / No