



CRM-M-41831-2024

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

CRM-M-41831-2024
Decided on : 03.09.2024

Kulwant Kaur @ Kanto

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ramesh Sharma, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed by the petitioner under Section 483 BNSS, 2023 seeking concession of regular bail in case FIR No.07 dated 13.01.2024 under Sections 420, 120-B IPC and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014 registered at Police Station Kamboj District Amritsar Rural.

2. Learned counsel for the petitioner has, at the outset, drawn the attention of this Court to the allegations levelled in the FIR in question, which has been annexed as Annexure P-1, which is reproduced herein under:

*“Sir, I Narinder Kaur w/o Sh. Dalbir Singh r/o
Village Pandori Lubana, PO Pandori Warraich,
Tehsil and Distt. Amritsar and in regard to the*



*abovesaid, I submit as under that 1. That I am a permanent resident of above-mentioned address and my son Lovepreet Singh aged around 20 years was willing to go abroad for work. That in the year of 2022, the daughter of my maternal uncle namely **Kulwant Kaur alias Kanto** r/o Kalo Baghrhia Road, Bhulath, Kapurthala told me regarding the abovesaid accused no.1 and 2 to send my son Lovepreet Singh abroad and said to come before her at Kapurthala. 2. That on the assurance given by above **Kulwant Kaur alias Kanto**, I went to Kapurthala at her house alongwith my son Lovepreet Singh where above **Kulwant Kaur alias Kanto** got me introduced with above accused no.1 Sukhpal Singh alias Sukha and accused no.2 Baljinder Kaur alias Bobby w/o Sukhpal Singh who gave full assurance to me to send my son Lovepreet Singh to America and demanded a total amount of Rs.35,00,000 from me for this work. 3. That thereafter, on the full assurance given by the said accused, I became ready to send my son Lovepreet Singh to America and as per the saying of abovesaid accused, handed over the original passport and copies of other documents of my son Lovepreet Singh and Rs.6,00,000 cash to the abovesaid accused at my house at Amritsar and the remaining amount was given to the accused as mentioned below, which is detailed as under: 1) Amount of Rs. 12,00,000/- on 18.11.2022 through bank transfer in the account of accused no.1 Sukhpal Singh. ii) An amount of Rs.11,00,000/- on*



19.11.2022 transferred through bank in the account of accused no.1 Sukhpal Singh. iii) Apart from this, an amount of Rs.5,00,000/- cash was given to accused no.2 Baljinder Kaur alias Bobby after going to her house at Kapurthala. As such as per the saying of abovesaid accused I gave an amount of Rs.34,00,000/- to the abovesaid accused. It is to mention here that I had given the abovesaid entire amount to the abovesaid accused for the better future of my son Lovepreet Singh after borrowing the same and I am paying the interest of the same till today. 4. That after taking the above entire amount of Rs.34 lacs, abovesaid accused harassed my son in Vietnam, Kambodia, Los, Dubai, Azerbaizan (Baku) etc. countries and neither made any arrangement of accommodation, eating etc. and nor his return tickets were arranged, that this entire expenditure was borne by my son from his own pocket which was found to be around Rs.3,00,000/- as per Indian currency. 5. That despite all this, the abovesaid accused did not send my son Lovepreet Singh to America and upon which, when I demanded my amount from the abovesaid accused and complained to accused no.3 **Kulwant Kaur alias Kanto** who is my relative, then accused no.2 Baljinder Kaur alias Bobby returned me Rs.6,00,000/- on 10.4.2023 out of the amount of Rs.35 lacs given by me. It is also to mention here that when my son Lovepreet Singh was entangled in Azerbaizan (Baku) then abovesaid accused no.2 Baljinder Kaur alias Bobby blackmailed me



regarding calling back my son Lovepreet Singh to India safely and for this work, she demanded Rs.5 lacs from me upon which, I gave Rs.5 lacs to abovesaid accused no.2 Baljinder Kaur alias Bobby but despite taking an amount of Rs.5 lacs from us, above accused did not help me in bringing my son Lovepreet Singh back to India, that my son Lovepreet Singh came back to India with great difficulty by managing somehow. 6. That now around one month has passed and despite requesting by me again and again, the abovesaid accused has not returned the amount of Rs.34 lacs taken from us. 7. That, the abovesaid accused have harassed my son on the pretext of sending him abroad and have committed fraud of Rs.34 lacs with me and I am paying interest for the said amount till today. Therefore it is requested to you to kindly take legal action against the above accused and justice may be done to me. I shall be highly thankful to you. Applicant Sd/-”

A perusal of the allegations levelled in the FIR clearly reveal that the only role, if any, attributed to the petitioner is of having introduced the complainant to the co-accused, who allegedly assured the complainant to send his son to the US against an amount of Rs.35 lacs. Learned counsel has submitted that in the FIR in question, it has not been mentioned that any amount was either handed over to the petitioner in cash or deposited in her bank account. Learned counsel has further submitted that the petitioner



has no criminal antecedents, which further corroborates her innocence in the present case. A prayer, therefore, has been made to extend the concession of bail to the petitioner.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Manjit Singh, has not been able to dispute the factual aspect of the role attributed to the petitioner. Learned State counsel, on further instructions, has also not disputed that no amount of money was ever handed over to the petitioner. However, the allegations in the FIR have been reiterated by the learned State counsel by arguing that it was at the behest of the petitioner that the complainant met the co-accused Sukhpal Singh@ Sukha and Baljinder Kaur @ Bobby and handed over huge amount of money to them. Learned State counsel has placed on record the custody certificate, which reflects that the petitioner is not involved in any other criminal case much less a case of similar nature.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody since 08.07.2024. The trial would take considerable time to conclude as challan has not yet been presented and is likely to be presented only in the near future.

6. In the facts and circumstances as enumerated hereinabove coupled with the fact that the petitioner has clean antecedents, this Court deems it fit to extend the concession of regular bail to the



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petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

03.09.2024
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No