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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-49987-2022
Date of decision : 23.01.2024

Pooja Mahajan Petitioner

versus

U.T. Chandigarh Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Pranav Handa, Advocate
for the petitioner.

Mr. Viranjeet Singh Mahal, Addl. P.P. U.T. Chandigarh
assisted by ASI Kiranpal.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.271 dated 03.09.2016, registered for the offences punishable under Sections 420 and 120-B of IPC at Police Station Sector-39, U.T. Chandigarh.
2. As per the contents of the FIR, it has been alleged as under:-

“To The Senior Superintendent of Police UT Headquarters, Sector 9, Chandigarh. Subject- FIR/Complaint by Arshdeep Singh S/o Shri Fateh Jang Singh R/o VPO Madhak, Tehshil Jaito Mandi, Distt Faridkot, Mobile No. 8968486185 against Pooja Mahajan Prop. of World Wide Immigration Solutions SCO 141 2nd floor, Sector- 40-C, Chandigarh. Dear Sir the above named Arshdeep Singh wanting to join some reputed college in Australia for further studies. I have done IELTS

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from S.B.E Centre Faridkot and I have also passed 12th examination. In this connection I happened to see the above mentioned Pooja Mahajan in the aforesaid office in the month of May/June 2015 and said Ms. Pooja Mahajan checked my documents and assured me that she could get Australia Visa for him within 30 days and I could join Brisbane College of Brisbane, Australia. For that purpose he received from me a sum of Rs. 20,000/- (Rupees twenty thousands) in case which amount would be non refundable and another amount of Rs 5,84,800/- (Rupees five lacs Eighty Four thousand Eight Hundred) for fee of the aforesaid college which I paid her on 17.06.2015. In addition to the above said, Pooja Mahajan also took my IELTS Certificates passport and affidavit on 14.09.2015 said Pooja Mahajan promised that she would give me CEO within 15 Days. In her letter said Pooja Mahajan mentioned only Rs 2,95,000/- (Rupees two Lacs Ninety five thousand) as college fee instead of Rs. 5,84,800/- (Rupees five Lacs Eighty Four Thousand Eight Hundred), which she had taken from me earlier through the bank. Photo copies of the aforesaid documents have been attached with this complaint. As now she was not listening to me so my father withdrew Rs 1,80,0000/- (Rupees Eighteen lacs) deposited in our Bank Account as this amount was arranged by my father from different sources on as this amount was to be shown to the college authority regarding the expenses to be incurred for the college fee and other expenses in Australia. Now my father has gone under depression due to all these worries. During the past 7/8 Months said Pooja Mahajan has been

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making to us Empty Promises of Getting the Visa or Refunding the whole amount of Rs 5,84,800/-. She promised me to see her in her office on 12.01.2016 to get the aforesaid money back, so my father visited the office of said Pooja Mahajan in Sec- 40-C, Chandigarh, where she was not present but on her behalf another gentleman contacted us and told us that money could not be arranged and that the money through bank draft or through bank account would be sent within 23 weeks and the document will be sent by post. It is requested that necessary action as per law may kindly be taken against the above said Pooja Mahajan under Section 406, 420, 471 of IPC and my money be got refunded from her along with documents.xxxxxx”

3. Petitioner is behind bars for last more than 01 year, 11 months and 21 days. Counsel for the petitioner submits that the petitioner was in fact a counsellor employed in Bharti Consultancy Pvt. Ltd. and had nothing to do with WWIS-the organization to which an amount of Rs.5,84,800/- was allegedly paid by the complainant. He further submits that it is a magisterial trial and 03 out of 17 cited witnesses already stand examined.

4. Bail plea is being opposed by the counsel representing the State to submit that the petitioner is a habitual offender having more than 22 cases against her.

5. As per the custody certificate, the petitioner is behind bars for almost 02 years. The investigation already stands concluded thus further detention of the petitioner in this magisterial trial would not be of any consequence and the same cannot be allowed to be prolonged as

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6. Without commenting anything on the merits of the case, the present petition is allowed. Petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

23.01.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No