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

207

CRM-M-48274-2024
Date of decision: October 14th, 2024

Arshdeep Kaur

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amandeep Singh Manaise, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

Mr. Vipin Mahajan, Advocate
for the complainant.

MANJARI NEHRU KAUL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in case FIR No.91 dated 02.11.2023 under Sections 420 of the IPC and Section 10 of the Emigration Act (Sections 465/468/471 of the IPC added later on) registered at Police Station Qila Lal Singh, Police District Batala, District Gurdaspur.

2. Short reply by way of affidavit of Deputy Superintendent of Police, Sub Division Fatehgarh Churian, Police District Batala, has been filed in Court, which is taken on record.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the instant case, along with the other co-accused, for allegedly defrauding the complainant of more than ₹20 lakh on the pretext of sending him to Australia on a tourist VISA. While drawing the attention of this Court to the FIR, which has been

annexed as Annexure P-1, learned counsel has argued that the case of the prosecution is based on a completely fabricated and frivolous narrative. It is submitted that the petitioner is neither a travel agent nor had she ever promised to send the complainant abroad. Learned counsel further submits that the petitioner was initially extended the concession of interim bail by the learned trial Court vide order dated 22.12.2023, and she had duly complied with the order by joining investigation. However, her prayer for anticipatory bail was later declined due to the addition of new offences under Section 465, 468 and 471 of the IPC.

4. Learned counsel has argued that while these additional offences were added later, they are still triable by a Magistrate and carry punishments similar to those for offence under Section 420 of the IPC. It has also been asserted by the learned counsel that the petitioner was not a beneficiary of the alleged fraudulent transaction, and the funds in question were transferred to her account only because both, the petitioners and the complainant had applied for their VISAs together. Furthermore, the allegations regarding VISA forgery were already part of the initial FIR and police investigation, and thus, no new circumstances had emerged warranting the dismissal of the petitioner's player for anticipatory bail by the learned trial Court.

5. *Per contra*, learned State counsel assisted by counsel for the complainant has vehemently opposed the prayer and submissions made by the counsel opposite. It has been submitted by them that there are serious and specific allegations against the petitioner of defrauding the complainant of more than ₹20 lakhs by falsely promising to send her to

Australia on a tourist VISA. It has been submitted that no doubt, the petitioner had initially been granted the concession of interim bail by the learned trial Court, however, the said concession had been granted based on the assumption that the Australian VISA on the passport of the complainant was a genuine one. However, during the course of investigation, it was revealed that the VISA was forged and fabricated, leading to the addition of offences under Section 465, 468 and 471 of the IPC. The learned counsel have further submitted that the petitioner was a direct beneficiary of the fraudulent transaction, as the funds were transferred to her bank account, and her custodial interrogation, therefore, is required to uncover the entire *modus operandi* behind the procurement of the fake VISA.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. *Prima facie,* there are serious and specific allegations against the petitioner, particularly with respect to defrauding the complainant of more than ₹20 lakh under the false promise of sending her to Australia. Allegedly, the complainant was neither sent to Australia nor was her money returned. Additionally, the VISA provided to the complainant was found to be forged. Given the gravity of the allegations and the prevalence of such offences, this Court does not find it appropriate to extend the extraordinary concession of anticipatory bail to the petitioner.

8. The instant petition stands dismissed.

9. 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.

October 14th, 2024 **(MANJARI NEHRU KAUL)**
Puneet **JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No