



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

105

CRM-M-48213-2024
DATE OF DECISION: 25.09.2024

RAMANDEEP KAUR ...PETITIONER

Versus

UT OF CHANDIGARH ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Digvijay Nagpal, Advocate for the petitioner(s).
Mr. Akashdeep, APP, UT Chandigarh.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

The jurisdiction of this Court under Section 438 Cr.P.C., has been invoked seeking the concession, for the grant of anticipatory bail to the present petitioner in FIR No.120 dated 22.07.2024, under Sections 406/420/120-B IPC, 1860 registered at Police Station Sector-34, Chandigarh.

2. Prosecution story, set up in the present case as per the version in the FIR read as under :-

‘To The S.S.P. Sector -9, Chandigarh. SUBJECT: COMPLAINT REGARDING VISA FEES FRAUD IMMIGRATION. Respected Sir, My name is Neeraj Uppal F/O Hanisha Uppal, R/o Sapphire Court Patiala Road Zirakpur, Punjab. I humbly request you to conduct the complaint for Multi Star immigration I reached out Multi Star Overseas Chandigarh Regarding Student Visa for my Daughter for Mauritius we started are process on 25-07- 2023 and after submitting all



required documents they Generated Offer Letter and Acceptance Letter for my Daughter on 31-07-2023, My Daughter Received provisional Student Visa for period of three months on 13-09-2023, on 18-09-2023 we gave them fees through RTGS from my Account total Amount of 3,82,000 (Three lakhs Eighty Two Thousand only) We book flight tickets for 28-09-2023, as they confirm about Visa. My daughter got married on 24-09-2023, to Paras Chautala they both were supposed to fly on 28-09-2023, as their visa was confirmed. There were some issues regarding my Son in Law Departure to Mauritius we reschedule her flight ticket 4 times as Ramandeep Kaur and Vikram Rathor told us so I asked for refund from them they are making excuses daily till now 11-03-2024 we did not received our refund inspite of asking for refund multiple times. They are not taking our calls and not even replying our messages Kindly Help us to get a need full. Thanking you Neeraj Uppal (Father) M: 9815652567.

3. **Contentions**

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case and no offence has been committed by her. He submits that the petitioner has got the visa for Mauritius in favour of daughter of the complainant namely Hanisha Uppal whereas visa of Paras Chautala-son-in-law of complainant was declined on the ground that he had already overstayed in Mauritius, so visa could not be issued. He further submits that no offence under Sections 406/420/120-B IPC as alleged by the complainant was committed by the petitioner.

On behalf of the counsel for UT Chandigarh

Learned Counsel for UT appearing on advance notice on



instructions from Investigating Officer vehemently opposes the prayer for grant of concession of anticipatory bail on the grounds that the petitioner has forged the documents and sent Whatsapp message projecting that Paras Chautala has also been granted visa on the same day and therefore, seeks dismissal of the petition.

4. **Analysis**

Be that as it may, the possibility of declining of visa on account of overstay, if any, by Paras Chautala cannot be ignored at this stage and rest of the assertions made on behalf of learned counsel for UT are factual aspects which can be enquired into in case petitioner joins the investigation. Thus, after given a thoughtful consideration to the submissions made by the parties, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **Decision**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to her joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C as reproduced below :-



- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;
- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) a condition that the person shall not leave India without the previous permission of the Court;
- (iv) such other condition as may be imposed under sub-section (3) of Section 437, as if the bail were granted under that section.

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

25.09.2024
anuradha

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