

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52709-2023

Date of Decision: 27.02.2024

Jaswinder Kaur

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Gurjant Singh Gill, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

Mr. Balbir Kumar Saini, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 438 Cr.P.C. with a prayer to grant anticipatory bail to her in case FIR No.0160 dated 27.08.2023, registered under Sections 420, 120-B of IPC, at Police Station Baghapurana, District Moga.

2. The FIR in the present case was registered on the basis of the statement made by Darshan Singh son of Kirpa Singh and the same has been reproduced below:-

“To, The S. S. P. Moga. Subject: Regarding taking legal action in respect of committing cheating of Rs. 1603000/- in the name of sending abroad against Jagdish Singh Gill (Mobile No. 98720- 71015) son of Hukam Singh, resident of Near Gurudwara Guru Teg Bahadar Ji, Village Smalsar, District Moga and Gurmeet Singh (Mobile No. 98720-15691) son of Ajit Singh, resident of

Village Indergarh, District Moga as well as Jaswinder Kaur (Mobile No. 97806-88576) wife of Bant Singh, resident of Baghapurana, District Moga. Sir, It is humbly submitted before you that I, after getting solemnized the marriage of my son Satnam Singh, wanted to send him abroad. Regarding the plan of sending my son abroad after getting his marriage solemnized, Jaswinder Kaur was having knowledge. It was seen by Jaswinder Kaur in the newspaper that alongside Nursing course, IELTS has since been done by the girl and her parents were in need of boy for solemnizing the marriage of the girl forever as well as incurring expenses for going abroad. Jaswinder Kaur after going through from the newspaper brought proposal at my house and the settlement was confirmed by her with me and Manjit Singh father of the girl on phone and got confirmed the engagement/relation of my son with Harjeet Kaur daughter of Manjit Singh. After getting confirmed the relation, it was told by Jaswinder Kaur that her son in law Jagdish Singh is doing work being agent and he will get sanctioned the visa of both husband-wife to Canada and our talk was got conducted by her with Jagdish Singh and amount of Rs. 16,03,000/- (Rs. Sixteen Lakhs Three Thousand) was demanded by her for sending both boy and girl abroad and it was assured by her to us that in 3-4 months, he will send the boy and girl to Canada. I fell into the allurement of Jaswinder Kaur and Jagdish Singh, due to which the amount of Rs. 1603000/- was gradually paid by me and Manjit Singh father of girl in the bank account of Jagdish Singh, in cash and through google pay and again after sometime, it was agreed by him to send both husband and wife to Canada at the earliest, On the agreement made by him, when the visa of my son and his wife Harjeet Kaur was not received, then I contacted with Jagdish Singh. The matter was put off by him on one pretext or the other. On account of putting off matter on one pretext or the other by Jagdish, I became suspicious towards him and when I made enquiry regarding him, then I came to know that the file of my son and daughter in law has not been submitted by Jagdish Singh and

the amount which were given by us; he has grabbed the same. On account of not sending my son and daughter in law abroad, when I demanded my amount back from him, then 2 cheques bearing No. 900129 and 900127 of his bank account were given by him. For getting back the amount from Jagdish Singh, when I presented the cheque given by him in my bank account for clearance, then the cheques given by him bounced. Upon bouncing of cheques, when I demanded back my amount from him, then the matter was put off by him on one pretext or the other. After having been harassed from the excuses of Jagdish Singh, application has been submitted by Manjit Singh father of girl regarding legal action against him on 26.07.2022 before S. S. P. Moga and while taking action thereon, compromise was effected by Jagdish Singh with me on 08.07.2022 and according to compromise, it was agreed by him to return the amount received by him from us upto 31.01.2023 and two cheques bearing No. 098571, 098572 of his bank account were given by him and it was agreed by him that if he did not return the amount within stipulated period, then I would have the right that I could use cheques given by him and could recover my amount and upon bouncing of the cheques, the entire responsibility to return the entire amount had been taken by his father Gurmeet Singh ASI. But the amount received by Jagdish Singh had not been returned. Then I used the cheques given by Jagdish Singh and again the cheques given by him were bounced. On account of bouncing of cheques, I against went to take back my amount from Jagdish Singh, then the matter was put off on one pretext or the other by Jagdish Singh. On account of putting off of matter on one pretext or the other by Jagdish Singh, I talked to his father ASI Gurmeet Singh. The pressure was mounted by Gurmeet Singh, being Police official and on again demanding the amount bank from his son Jagdish Singh as well as him; threats of implicating in some false case as well as causing financial loss were extended. I have fear that by taking advantage of being a Police official by ASI Gurmeet Singh, I or my son or father of my daughter-in-law may be implicated in some

false case. Therefore, on account of committing cheating of Rs. 1603000/- in the name of sending abroad, legal action may be taken against the above mentioned persons and our amount may kindly be got returned from them. Your act will be highly grateful. Thanking you, Yours sincerely Sd/- Darshan Singh son of Kirpa Singh, resident of Village Ladhahi Ke, Tehsil Baghapurana, District Moga. Mobile No. 98554-28970...”

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case by coining a false story. In fact, the amount in question has been transferred in favour of a travel agent, who is the son-in-law of the present petitioner. The petitioner had only introduced the complainant with her son-in-law, Jagdish, main accused and no role has been attributed to her. Learned counsel further contends that the petitioner neither demanded any money nor had played any active role with regard to the grant of visa. He further contends that a compromise was entered into between the complainant and the co-accused and the petitioner was not party to the said compromise also.

4. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner. Learned counsel submits that the complainant wanted to send his son abroad after performing his marriage and the petitioner was aware of the said fact. The petitioner introduced a girl, namely, Harjeet Kaur and made a false assurance that the son of the complainant would be sent abroad with the help of the said girl. Even the petitioner and her son-in-law, Jagdish had taken a sum of Rs.16,03,000/- from the complainant, which was transferred in the bank account of Jagdish, co-accused. Apart from that, the amount was also handed over to the present petitioner as well by the

complainant. Learned counsel further submits that one more case i.e. FIR No.97 dated dated 15.09.2021, under Sections 495, 496, 419, 420, 403, 120-B of IPC has also been registered against the present petitioner and she is a habitual offender.

5. I have heard learned counsel for the parties and perused the record.
6. From the record, it is apparent that the petitioner and Jagdish, co-accused had induced the complainant to pay a sum of more than Rs.16 lakhs on the pretext of sending the son of the complainant abroad. During the course of arguments on the last date of hearing, the petitioner had offered to make a payment of Rs.6 lakhs to the complainant within a period of 3 weeks, just to show her bonafides. However, no such payment was made by the present petitioner.
7. Consequently, keeping in view the gravity of the allegations levelled against the present petitioner, the petitioner is not entitled to the concession of anticipatory bail in the present case. Apart from that, the Court is also of the considered view that the custodial interrogation of the petitioner will be required in the present case to find out the other co-accused, who had joined hands with the petitioner to defraud the complainant of the present case.
8. Dismissed.

27.02.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No