

CRM-M-51128-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51128-2024
Reserved on: 05.11.2024
Pronounced on: 18.11.2024

Priyanka alias Priyanka Sharma ...Petitioner

Versus

State of U.T. Chandigarh and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. G.S. Sandhu, Advocate
for the petitioner.

Mr. Manish Bansal, PP, UT Chandigarh with
Mr. Navjit Singh, Advocate
for the respondent- UT.

Ms. Riya Mittal, Advocate
for respondent No.2.

Mr. Nitin Sansanwal, Advocate
for the victim.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
148	18.09.2024	Sector-39, UT Chandigarh	420, 467, 468, 471 & 120-B IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. Vide order dated 23.10.2024, the petitioner was granted interim bail, which continues to date.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That the brief facts of the case are that the present FIR was registered on the complaint Rakesh Kumar and the two more complaints by complainant Sunil Kumar and Bunny Singh have been attached. The complainant Rakesh Kumar reported to police that his son Prabhjot Sharma wanted to settle in Australia and applied twice for visa, but his visa was refused. On 08.05.2024, one Amar Manocha who is friend of complainant's son had told his son that he is visiting Australia after getting visa approved. Amar also told that his cousin Nishu is employed in office of A.K. world

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immigration at Chandigarh who arranged his visa within a week's time. The complainant's son contacted Nishu telephonically who assured to arrange visa for the complainant's son. Complainant and his son went to the above said office where Nishu introduced them to co-accused Bhagat Singh and present Petitioner Priyanka who are husband and wife and owner of the company. They assured the complainant and his son to give work permit for one year on payment of Rs.23 lakhs. The complainant paid Rs.3 lacs on 10.5.2024 through RTGS. On 22.05.2024, that girl telephonically informed the son of the complainant that the visa has been approved and asked them to visit the office. On 22.5.2024, accused persons congratulated them and showed them the visa on computer and further asked them to pay remaining amount. On 23.05.2024 complainant paid Rs. 1 lac through Google Pay and on 24.5.2024 he paid Rs.5 lacs in cash. On 24.05.2024 the complainant again received a call from accused persons saying that one ticket is available for 28.05.2024 and he shall pay the balance amount in cash. On 26.05.2024 the complainant paid Rs. 10 lacs to both the accused persons in the parking lot of GILCO, Sector-127, kharar, Punjab and assured the complainant that the ticket will be arranged in next 1 hour. When they could not avail VISA for 28.05.2024, the accused person asked him to wait for 10 days and that they will arrange another VISA with 5 years work permit. The complainant waited for 12-15 days and kept asking for his VISA or return of his money. However, the accused persons have neither arranged any visa nor returned their money. Further the compliant of Sunil Kumar and Bunny singh was also registered and On the basis of this information, the instant FIR was registered against the accused persons under Sections 420,467,468,471, 120-B of IPC of Indian Penal Code.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions. The petitioner's counsel argued that the custodial investigation would serve no purpose whatsoever and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“That, as per the investigation till date the alleged amount of Rs. 54,57,000/- was defrauded of the complainants on pretext of sending abroad. The present petitioner is the active partner in AK Worldwide Immigration LLP and her husband (co- accused) is the another partner in

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the said LLP. Out of total fraud money, sum of Rs. 8,40,000 have been received in the personal bank account of the present Petitioner Priyanka. The sum of Rs. 11,10,000 have been received in the bank account of the AK Worldwide Immigration LLP in which the present Petitioner is the active partner. The sum of Rs. 3,00,000 have been received in the bank account of one Rita on direction of present Petitioner. The rest of money was paid in cash. After the arrest of the present Petitioner, she made her disclosure wherein she stated that she met present complainant Rakesh Kumar through her worker Nishu and the money was receiver through Nishu only. She further stated that they used to provide VISA to the victims from their computer itself.”

7. There is sufficient prima facie evidence connecting the petitioner with the alleged offence. However, the petitioner is a mother of two minor children, aged 3 years and 9 years. The children's father, the petitioner's husband, is in custody. On this ground alone, this Court is not considering the evidence at that stage but is analyzing it for the bail stage and main reasons for grant of bail is that she is a woman and two minor children are dependent upon her.

8. The petitioner was granted interim protection, and during the interregnum, there is no allegation that he had intimidated the witnesses or hampered the investigation.

9. It is clarified that this order shall not be a ground for bail for other accused on parity.

10. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

11. **Petition allowed** in terms mentioned above. Interim order dated 23.10.2024 is made absolute. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

18.11.2024
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.