



CRM-M-59025-2022

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(211)

CRM-M-59025-2022

Date of Decision : 03.12.2024

Shwetal Mukesh Chandra Vyas

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Kshitij Sharma, Advocate
for the petitioner
(through video-conferencing).

Ms. Manjot Kaur, AAG, Punjab.

Mr. Rajeev Kumar, Advocate for
Mr. Vipul Babuta, Advocate
for the complainant.

KULDEEP TIWARI, J.(Oral)

1. Coordinate Bench of this Court, on dated 04.01.2023, had passed the hereinafter extracted order, upon the instant petition:-

“Status Report by way of affidavit of Jasroop Kaur Batth, IPS, Assistant Commissioner of Police, Civil Lines, Ludhiana has been filed by learned State Counsel, which is ordered to be taken on record.

Learned counsel for the petitioner submits that the petitioner was in fact running an enterprise and business i.e. a company under the name and style of Esh Incorporation. The complainant reached out to the petitioner for getting the case of his client pursued two years after seeing the alleged ad on the Facebook. The Temporary Residency Permit Application of the client was to be processed by Bizbon Immigration and Visa Firm,



which was also responsible for setting up the company in Lithuania. A detailed agreement was signed (Annexure P-3) on 30.04.2019 between Client namely Amrit Singh Sidhu and Bizbon. As per the agreement, the Client subscribed 1020 ordinary registered shares of the Company as the sole shareholder. The nominal value of the subscribed shares was EUR 25,500. The said amount was paid by the petitioner through her account. Despite the best efforts by the petitioner, the Client received rejections on two occasions. The petitioner was to only provide consultancy to the Client. The petitioner followed the standard process and never visited Ludhiana.

The FIR has been lodged by one Sarbjeet Singh Bagga who is also engaged in providing consultancy to the people who are interested in going abroad and for getting different kind of Visas. He also engaged the petitioner for the case of his client. The original Client namely Amrit Singh Sidhu never dealt with the petitioner directly. There was no cheating as alleged by the petitioner towards the said Client.

Learned counsel for the petitioner further submits that the petitioner is ready and willing to join investigation as and when required.

Adjourned to 14.02.2023.

In the meanwhile, the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of petitioner joining investigation, she shall be admitted to interim bail by the Arresting Officer/Investigating Officer on furnishing of bail bonds/surety bonds, to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”



2. Today, the learned State counsel on instructions imparted to him by ASI Gurmeet Singh, stated that pursuant to the making of the hereinabove extracted order, the petitioner(s) had joined investigation and he is no longer required for further custodial interrogation.

3. In view of the above, the hereinabove extracted interim order dated 04.01.2023, is hereby made absolute, subject to the hereinafter extracted conditions:-

- “(i) the petitioner(s) shall not commit an offence similar to the present offence;
- (ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- (iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

4. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) indefinite protection from arrest. It shall be confined to the FIR mentioned ibid and will not operate in respect of any other incident that involves commission of an offence.

5. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

(KULDEEP TIWARI)
JUDGE

December 03, 2024
Manpreet

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