

NEHA SHARMA

....Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Dr. Anmol Rattan Sidhu, Sr. Advocate with Mr. Pratham Sethi and Mr. Kanishk Sarup, Advocates for the petitioner.

Mr. Gurpreet Singh Sandhu, DAG, Punjab.

Mr. Munish Bhardwaj, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

The instant second petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
206	27.10.2023	406, 420, 120-B IPC (465, 467, 468, 471 IPC and 24 of Immigration Act added later on)	Mataur, District- SAS Nagar, Mohali.

2. In *nutshell* brief facts of the case are that a written complaint has been given by Gurdip Singh-complainant stating that he met Chavvi Sharma and Neha Sharma in the office of Star Future Immigration, Sector 70 Mohali in order to send her daughter Jaspreet Kaur to Australia on study

visa. Accused had assured the complainant that her daughter would be sent within 3 months and expenses would be ₹15 lacs. The complainant deposited ₹11.50 lacs with them. After lapse of considerable time neither the study visa had been issued nor the accused are available, as such the FIR was registered.

3. It is *inter alia* contended by learned Senior counsel for the petitioner that the petitioner is innocent and has been falsely roped in the present case. Infact co-accused Chavvi Sharma was running the immigration agency after taking the premises on rent from the petitioner vide rent agreement 04.09.2023 (Annexure P3). He contends that even as per the FIR no amount is paid by complainant to the petitioner and even the receipt there of has also been issued by said Chavvi Sharma. He contends that petitioner has no role to play in the transactions of said immigration agency and the investigation of the case is complete and the petitioner is in custody since 03.11.2023, hence he prays for grant of concession of bail to the petitioner.

4. *Per contra* learned State counsel assisted by learned counsel for the complainant have opposed the bail petition and submits that the petitioner has played active role in the transactions and as such she does not deserve concession of bail at this stage. However, the learned State counsel on instructions from ASI Davinder Singh, Police Station Mataur has submitted that the investigation of the case is complete and the challan is ready for presentation in the Court.

5. After considering the rival contentions and perusing the record, it transpires from the perusal of the FIR that the allegations are leveled against the co-accused Chavvi Sharma of having given assurance to the

complainant for sending his daughter abroad on study visa and also received the amount from the complainant. Admittedly the receipts have also been issued by co-accused Chavvi Sharma and not by the present petitioner. There is also no specific allegation against the petitioner of having received the amount from the complainant. The petitioner is in custody since 03.11.2023, and as per the ASI, Davinder Singh present in Court no other criminal case is pending against the petitioner and the challan has been prepared for presentation in learned trial Court, meaning thereby the petitioner is not required for further investigation in the matter. The conclusion of trial in the present case triable by the Magistrate may take sufficient long time and no useful purpose would be served by keeping the petitioner behind bars any longer

6. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

29.01.2024

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No