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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-11274-2025 (O&M)
Date of Decision:- 29.05.2025

PUSHPINDER KAUR

Versus

....Petitioner(s)

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Amit Gupta, Advocate for the petitioner.

Mr. Roshandeep Singh, AAG Punjab.

Mr. Sanjeev Kumar Arora, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 482 Bharatiya
Nagarik Suraksha Sanhita, 2023, petitioner seeks anticipatory bail in case
FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
330	18.11.2024	406, 420 IPC; 24 of the Immigration Act,	Sohana, District SAS Nagar (Mohali), Punjab

2. It is *inter alia* contended by learned counsel for the petitioner
that the petitioner is innocent and has been falsely implicated in the case. He
contends that the petitioner has neither allured nor defrauded the
complainant in any manner and in fact the son of the complainant had



intended to go Ukraine for which he was provided Ukrainian VISA and he, on his own, went to Spain, so there is no fraud committed by the petitioner. He submits that the petitioner is ready to join investigation and has prayed for grant of anticipatory bail to the petitioner.

3. *Per contra*, learned State counsel assisted by learned counsel for the complainant, while referring to the reply filed by the State and also the photographs of the petitioner receiving the money and the cheques given by the petitioner in favour of the complainant, has argued that the complainant had paid ₹26 lakhs to the petitioner for sending her son to America. The petitioner had also told the complainant that her brother is also residing in America so that the son of the complainant could get settled in America and earn money there, however, the son of the complainant was sent to Spain and even the passport of the son of the complainant is with the petitioner, which is yet to be recovered. It is also stated that when the amount was returned back, the petitioner had given cheques amounting to ₹26 lakhs but when presented the same were dishonoured, hence, prayed for dismissal of the bail petition.

4. After considering the rival contentions and perusing the record, it transpires that there are specific allegations against the petitioner of having taken ₹26 lakhs from the complainant on the pretext of sending the son of the complainant to America, which she could not do. The petitioner has neither returned the amount nor the passport of the son of the complainant. It is on record that the petitioner had given two cheques drawn on State Bank of India account amounting to ₹24,40,000/- and 1,60,000/- in favour of the



complainant’s son, which, when presented for encashment, were dishonoured. This also speaks volume about the fact that the petitioner had in fact taken the amount from the complainant and due to this fact she was returning the same by issuing cheques.

5. In view of the above, considering the nature and gravity of offence, it is observed that no case is made out in favour of the petitioner for grant of anticipatory bail, as a consequence, the petition is hereby dismissed.

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

7. Pending applications, if any, shall also stand disposed of.

(SANJIV BERRY)
JUDGE

29.05.2025
S.Sharma(syr)

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