

2025.PHHC.030626



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107

CRM-M-11966-2025

DATE OF DECISION: 03.03.2025

LOVEJOT KAUR

.....PETITIONER

Versus

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. J.S. Mohri, Advocate
For the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Prayer

The jurisdiction of this Court has been invoked under Section 482 BNSS seeking pre-arrest bail in case FIR No.200 dated 30.12.2024 under Sections 406,420 IPC and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014 registered at P.S Jalandhar Cantt, District Police Commissionerate Jalandhar.

2. Prosecution story set up in the present case as per the version in the FIR as under:

“Contents of application No.4068-PTOO dated 20.9.2024, "To The Commissioner of Police, Jalandhar. Subject: Application against 1. Constable Balkar Singh, Belt No.80/358, 80th Battalion, P.A.P., Jalandhar; 2. Kuldip Kaur wife of Balkar Singh; 3. Lovjot Kaur daughter of Balkar Singh; 4. Harvinder Kaur, residents of Qr. No. 152, P.A.P. Complex, Jalandhar; 5. Sandeep Kaur, resident of Batala for hatching conspiracy in connivance with each other and committing fraud to the tune of Rs. 18,15,220/-on the pretext of sending Sahibjot Singh, son & Jaspreet Kaur, daughter of applicant to Canada on Work Permit and on demanding back money by applicant, hurling abuses to applicant and giving threats to cause loss of life & liberty to the applicant & his family members and implicate them in false cases. Sir, It is humbly submitted

that I, Ranjodh Singh son of Sh. Bahadur Singh, is resident of House No. 626, Mohalla Jattan, Ward No.3, Adampur Doaba, District Jalandhar and do hereby submit as follows: 1. That I am residing at above noted address and is agriculturist by profession. My daughter Jaspreet Kaur was undergoing Nursing course in Mata Gujri Nursing Institute and accused Lovejot Kaur was her class mate over there. Accused Lovejot Kaur told my daughter that her relatives are indulged in sending persons abroad and that she has got issued her Work Permit & Visa, so you may also ask your parents, if you want to get issued your Visa, we will get it issued within a period of one month. My daughter discussed the matter with me on arriving at home by saying that her friend has got issued her Visa for Canada and has said that if you want to leave on Work Permit, we will get you issued Visa. 2. That thereafter, I alongwith my son Sahib Jot Singh approached the said accused at Qr. No. 152, P.A.P. Campus, Jalandhar, where all the said accused were present. I told them that your daughter Lovejot Kaur says that you are bringing Work Permit & Visa for Canada through your relatives. On this, said Balkar Singh & his wife told us that we have brought Visa to a number of persons. If you want to bring Work Permit & Visa to your children, we will also bring them Viss. For this purpose, the said accused said that we are charging Rs. 40 lac per head, however your daughter is friend of my daughter, hence we will charge you only Rs. 30 lac. They further insisted me that you may deliver us the passport of your children. On this, I alongwith my son delivered both the Passports at the house of said accused. Then on 13.3.2024, as demanded by said accused, we approached the said accused in their quarter in P.A.P. Campus with a cash amount of Rs.5,12,000/-, where we gave the said amount to accused No. 1, who counted the same and further delivered to accused No. 2, who put the same in some almirah, lying inside. In this connection, video clipping is made by my son with his iphone 15, bearing SIM Card No. 7888626514, which we wil produce on the need be. 3. That after few days, a phone call received from said accused, who said that you may pay the Embassy fee, amounting to Rs.54,720/-, as we have to deposit the same and we will deposit the same through our Card. Hence we paid the said amount to the account on 19.3.2024 in the quarter. Then on same day, accused further demanded a sum of Rs. 19,500/- from us on account of Medical fee, which we accordingly transferred to account of accused No. 3 Lovejot Kaur on 20.3.2024. Then after few days, said accused went to say that Passport

request of your son is received, which Lovejot Kaur sent on phone of my son, which was received from Canadian Embassy, and told that you may immediately deposit a sum of Rs. 5 lac in account of my cousin sister Harvinder Kaur, who is getting served entire purpose, I am giving you her Account number, so you may transfer a sum of Rs. 5 lac in her account at an early date. Hence as asked by them, I got transferred a sum of Rs.5 lac in account of Harvinder Kaur on 2.4.2024, a copy of which is enclosed herewith. Thereafter, we kept on enquiring into the matter from said accused, on which, they kept on assuring us that both your children will get Work Permit in near future. Accused No. 1 Balkar Singh always assured that he is Police employee and will never do anything wrong. He further said that my real saala is getting served the purpose for sending abroad your children, so that is no chance of any cheating or so. We simply believed them and kept on paying funds as per their demand. 4. That thereafter, the accused said that you may deposit processing fee for Rs.29,000/-, which we need to pay said Harvinder Kaur. Then on 28.4.2024, Lovejot Kaur said that you may get transferred a sum of Rs.5 lac in my account, as I am to further transfer the same. On this, I transferred a sum of Rs. 4 lac on 29.4.2024 from Bank Account of my son to the account of said Lovejot Kaur and Rs. One lac transferred from my Bank Account to the Account of said Lovejot Kaur. Bank Account statements are enclosed herewith. Thereafter, we enquired from account about our purpose, who told that your work is late for 1-2 months due to some reasons, you may get ready with balance amount. Then on 8.7.2024, the said accused asked us to deposit a sum of Rs. One lac in account of Harvinder Kaur. Hence as asked by accused, we got transferred the sum of Rs. One lac. Then on further having asked by the accused, we transferred the sum of Rs. One lac on 30.7.2024 in account of said Harvinder Kaur. Thereafter, the accused kept on assuring us that we will get served your purpose at an early date. 5. That when accused didn't bring us the Visa to any of my children despite having received payment, we arrived at the quarter of said accused, when accused No. s1 to 3 went to say that Sandeep Kaur, who is getting served your purpose, is living in a village near Batala and is our relative. Then in first week of August, 2024, the accused No. 1 to 3 brought us to the house of said lady, who told that we case is under process, whatever you want to say, you may talk to said accused, I have no dealing with you. Then after few days, the said accused told us that your purpose could not be served, so we will

accompany with you and bring back the Passports. Then on 10.8.2024, we again went to the house of Sandeep Kaur with said accused, who returned our Passport and said that as regard money, you may talk to said accused and they will repay your money, as you have not paid me any money. On this, we came back. The said accused No. 1 to 3 assured us that we will repay your money by 15.9.2024. 6. That now, when we contacted accused No. 1 to 3 on 15.9.2024 for getting back our money, they flatly refused to repay the money, rather started putting off the matter on one pretext or the other. When we asked them little harder to repay our money, said accused No. 1 started threatening us by saying that you can do whatever you can, we are not going to repay any money, I am Police official, you can't do anything to me. 7. That the said accused, under a well planned conspiracy, have cheated us with a motive to commit fraud with us, took us under their impression and have committed fraud with us to the tune of Rs. 18,15,220/-. I am so upset & disturbed due to the cheating committed by the accused. 8. That the said accused have committed breach of trust, allured my daughter Jaspreet zKaur, misled us and made false commitments on the pretext of bringing Work Permit and sending both my children to Canada and grabbed huge amount from me, who are parents of Lovejot Kaur, a friend of my daughter Jaspreet Kaur and accused No. 1 Balkar Singh is Police official, due to which reason, we believed them, but said accused hatched a well planned conspiracy and have grabbed the said amount from us. Now the said accused are threatening us by saying that accused No. 1 is Police official and he can get us implicated in some false case at any time. You are, therefore, humbly requested to take due legal action against said accused and get repaid our money, and an F.I.R. may be registered against said accused for committing fraud with me. I would be thankful to you. Yours faithfully,

Sd/- Ranjodh Singh son of Sh. Bahadur Singh, resident of House # 626, Mohalla Jattan, Ward # 3, Adampur Doaba, District Jalandhar. Mob.# 9878085887. The said application further marked to the Incharge, C.I.A. Staff for conducting enquiry into the matter, enquiry in which conducted by the Incharge, C.I.A. Staff. Enquiry report: It reveals from enquiry proceeding that Jaspreet Kaur, daughter of Ranjodh Singh, applicant, was undergoing Nursing course in Mata Gujri Nursing Institute and accused Lovejot Kaur was her class mate over there. Lovejot Kaur told Jaspreet Kaur that her relatives are indulged in sending people abroad and she has got issued her Visa & Work Permit for Canada, if you want to go to

Canada, you may tell. On this, Jaspreet Kaur daughter of applicant discussed the matter with her parents, on which, they agreed to send her abroad. Then applicant with his son Sahibjot Singh arrived at Qr. No.152, P.A.P. Complex, Jalandhar, where said Balkar Singh, his wife Kuldip Kaur and his daughter Navjot Kaur found present. Applicant discussed about Work Permit for his daughter Jaspreet Kaur & his son Sahib Jot Singh in Canada, on which, the deal was finalized for Rs. 30 lac. The applicant delivered him Passports of both his children. Then on 13.3.2024, applicant arrived at P.A.P. Quarters, Jalandhar and gave an amount of Rs.5,12,000/-to Balkar Singh, respondent. The photo of Balkar Singh, counting money, is enclosed herewith. Then after few days, respondent party said that you may pay the Embassy fee for Rs.54,720/-, which has been deposited by card. Lovejot Kaur, respondent, got conducted medical examination of children of applicant on 20.3.2024 and applicant got transferred an amount of Rs.19,500/- in account of Lovejot Singh. Then after few days, respondent party told that Passport request of your son is received, which Lovejot Kaur sent from her Mobile phone, which was received from Canadian Embassy, and told that you may immediately deposit a sum of Rs. 5 lac in account of my cousin sister Harvinder Kaur, who is getting served entire purpose. Hence as asked by said Lovejot Kaur, the applicant got transferred a sum of Rs.5 lac in account of Harvinder Kaur on 2.4.2024 from the Bank account of his son. Thereafter, the respondent asked to pay the processing fee for Rs.29,000/-, which is to be paid to Harvinder Kaur. Hence applicant accordingly paid Rs.29,000/-. Then on 28.4.2024, Lovejot Kaur demanded a sum of Rs.5 lac. On this, the applicant transferred a sum of Rs. One lac transferred from his own Bank Account and Rs. 4 lac from Bank Account of his son to the account of said Lovejot Kaur on 29.4.2024. Bank statement is enclosed herewith. Then on 8.7.2024, a sum of Rs. One lac and then on 30.7.2024, Rs. One lac further transferred in account of said Harvinder Kaur, but despite that, Visa of children of applicant is not got issued. When applicant approached Balkar Singh in P.A.P. Complex, he told that your purpose is being got served by one Sandeep Kaur, resident of Batala, who is our relative. Then in first week of August, 2024, Lovejot Kaur brought the applicants to the house of said lady, who told that we case is under process. But despite having passed long period, the respondents have not sent the children of applicant to Canada, nor have returned their money & Passport. Then on 10.8.2024, when applicant with respondent

party went to the house of said Sandeep Kaur, said Sandeep Kaur returned the Passports of children of applicant, however didn't repay any money. Accused Balkar Singh son of Kartar Singh, Lovjot Kaur daughter of Balkar Singh, residents of Qr. No.152, P.A.P. Complex, Jalandhar, Harvinder Kaur wife of Mohan Singh, resident of village Khoja, Police Station Ghuman, District Gurdaspur and Sandeep Kaur resident of Batala, District Gurdaspur, in connivance with each other, allured the applicant on the pretext of sending Sahibjot Singh son & Jaspreet Kaur daughter of applicant, residents of Jattan Mohalla, Adampur Doaba, District Jalandhar to Canada on work permit and grabbed a sum of Rs.18,15,220/-. Kuldip Kaur wife of Balkar Singh is not found involved in this conspiracy and she is found innocent. During the course of enquiry, respondent party has not produced any License for working as Travel Agent. As per enquiry report, it is recommended to register an F.I.R. U/s.406, 420 IPC, 13, Punjab Travel Professionals (Regulation) Act, 2014 in Police Station Jalandhar Cantt., Commissionerate, Jalandhar against said Balkar Singh son of Kartar Singh, Lovjot Kaur daughter of Balkar Singh, residents of Or. No. 152, P.A.P. Complex, Jalandhar, Harvinder Kaur wife of Mohan Singh, resident of village Khoja, Police Station Ghuman, District Gurdaspur and Sandeep Kaur resident of Batala, District Gurdaspur. Enquiry report is submitted. Sd/-in English Incharge, C.I.A. Staff, Commissionerate, Jalandhar. Date: 26.10.2024. Incharge, C.I.A. Staff, Commissionerate, Jalandhar submitted his conclusion report before the Assistant Commissioner of Police, Detective, Jalandhar. The Assistant Commissioner of Police, Detective, Jalandhar mentioned in his report that it is hereby submitted that enquiry in above noted application is got conducted from the Incharge, C.I.A. Staff, Commissionerate, Jalandhar, from which, it reveals that Jaspreet Kaur, daughter of Ranjodh Singh, applicant, was undergoing Nursing course in Mata Gujri Nursing Institute and accused Lovejot Kaur was her class mate over there. Lovejot Kaur told Jaspreet Kaur that her relatives are indulged in sending people abroad and she has got issued her Visa & Work Permit for Canada, if you want to go to Canada, you may tell. On this, Jaspreet Kaur daughter of applicant discussed the matter with her parents, on which, they agreed to send her abroad. Then applicant with his son Sahibjot Singh arrived at Qr. No. 152, P.A.P. Complex, Jalandhar, where said Balkar Singh, his wife Kuldip Kaur and his daughter Navjot Kaur found present. Applicant discussed about Work Permit for his daughter Jaspreet Kaur & his son

Sahib Jot Singh in Canada, on which, the deal was finalized for Rs. 30 lac. The applicant delivered him Passports of both his children. Then on 13.3.2024, applicant arrived at P.A.P. Quarters, Jalandhar and gave an amount of Rs.5,12,000/-to Balkar Singh, respondent. The photo of Balkar Singh, counting money, is enclosed herewith. Then after few days, respondent party said that you may pay the Embassy fee for Rs.54,720/-, which has been deposited by card. Lovejot Kaur, respondent, got conducted medical examination of children of applicant on 20.3.2024 and applicant got transferred an amount of Rs. 19,500/- in account of Lovejot Singh. Then after few days, respondent party told that Passport request of your son is received, which Lovejot Kaur sent from her Mobile phone, which was received from Canadian Embassy, and told that you may immediately deposit a sum of Rs. 5 lac in account of my cousin sister Harvinder Kaur, who is getting served entire purpose. Hence as asked by said Lovejot Kaur, the applicant got transferred a sum of Rs.5 lac in account of Harvinder Kaur on 2.4.2024 from the Bank account of his son. Thereafter, the respondent asked to pay the processing fee for Rs.29,000/-, which is to be paid to Harvinder Kaur. Hence applicant accordingly paid Rs. 29,000/-. Then on 28.4.2024, Lovejot Kaur demanded a sum of Rs.5 lac. On this, the applicant transferred a sum of Rs. One lac transferred from his own Bank Account and Rs. 4 lac from Bank Account of his son to the account of said Lovejot Kaur on 29.4.2024. Bank statement is enclosed herewith. Then on 8.7.2024, a sum of Rs. One lac and then on 30.7.2024, Rs. One lac further transferred in account of said Harvinder Kaur, but despite that, Visa of children of applicant is not got issued. When applicant approached Balkar Singh in P.A.P. Complex, he told that your purpose is being got served by one Sandeep Kaur, resident of Batala, who is our relative. Then in first week of August, 2024, Lovejot Kaur brought the applicants to the house of said lady, who told that we case is under process. But despite having passed long period, the respondents have not sent the children of applicant to Canada, nor have returned their money & Passport. Then on 10.8.2024, when applicant with respondent party went to the house of said Sandeep Kaur, said Sandeep Kaur returned the Passports of children of applicant, however didn't repay any money. Accused Balkar Singh son of Kartar Singh, Lovjot Kaur daughter of Balkar Singh, residents of Qr. No.152, P.A.P. Complex, Jalandhar, Harvinder Kaur wife of Mohan Singh, resident of village Khoja, Police Station Ghuman, District Gurdaspur and Sandeep

Kaur resident of Batala, District Gurdaspur, in connivance with each other, allured the applicant on the pretext of sending Sahibjot Singh son & Jaspreet Kaur daughter of applicant, residents of Jattan Mohalla, Adampur Doaba, District Jalandhar to Canada on work permit and grabbed a sum of Rs. 18,15,220/-. Kuldip Kaur wife of Balkar Singh is not found involved in this conspiracy and she is found innocent. During the course of enquiry, respondent party has not produced any License for working as Travel Agent. As per enquiry report, it is recommended to register an F.I.R. U/s.406, 420 IPC, 13, Punjab Travel Professionals (Regulation) Act, 2014 in Police Station Jalandhar Cantt., Commissionerate, Jalandhar against said Balkar Singh son of Kartar Singh, Lovjot Kaur daughter of Balkar Singh, residents of Qr. No.152, P.A.P. Complex, Jalandhar, Harvinder Kaur wife of Mohan Singh, resident of village Khoja, Police Station Ghuman, District Gurdaspur and Sandeep Kaur resident of Batala, District Gurdaspur. Sd/- in English Assistant Commissioner of Police, Detective, Jalandhar. 3/11/24. On this, the Commissioner of Police issued direction as follows Approved. Sd/- Commissioner of Police, Jalandhar". Today at Police Station: On receipt of above noted application No. 4068-PTOO dated 20.9.2024 with enquiry report and other relevant papers by post at Police Station, the present F.I.R. U/s.406, 420 IPC, 13, Punjab Travel Professionals (Regulation) Act, 2012 (Amended in year 2014) has been registered. Original application with enquiry report and copy of F.I.R. will be delivered to Sh. Babbandeep Singh PPS, A.C.P. for conducting further investigation. Intimation to senior officers and Control Room has been given over mobile phone. Entered vide DDR No. 15 dated 30.12.2024."

3.

Contentions**On behalf of the petitioner**

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case based on the complaint lodged by the complainant. He further submits that the petitioner is the daughter of the co-accused, Balkar Singh, who is an employee of the police department. It is also asserted that the petitioner and the co-accused have been victims of a fraudulent scheme orchestrated by third parties, namely Sandeep Kaur, Gurwinder Singh, and Sukhwinder Singh. In this regard, two FIRs, bearing No. 179 and No. 180, both

dated 16.11.2024, have been registered. The counsel undertakes on behalf of the petitioner that she is ready and willing to cooperate and join the investigation.

Notice of motion.

On behalf of the respondent/State

Mr. Jaspal Singh Guru, AAG Punjab, appearing on advance notice, accepts notice on behalf of the respondent/State and submits that the alleged incident occurred in the year 2014, involving an allegation of cheating to the tune of Rs. 18 lakhs. He further submits that an amount exceeding Rs. 5 lakhs was transferred into the account of the petitioner. In view of this, he contends that custodial interrogation of the petitioner is necessary at this stage.

4. Analysis

In case of criminal investigation, the normal procedure prescribed for curtailing the right to life & liberty, is that the investigating officer can arrest the accused even without warrant. The Court has extraordinary power to protect an innocent person. However, this power has to be exercised by the Courts with due circumspection.

The allegation against the petitioner is serious in nature as she allured the complainant party that her father Balkar Singh is sending the people abroad and he has good connection being serving in the police department and on that assurance, the complainant transferred the money to the petitioner. Furthermore the amount of more than Rs.5 lacs was transferred in the name of Lovejot Kaur.

Such an allegation certainly requires adequate and intense investigation to unearth the truth, which is a matter of trial. Since nowadays such type of offences are on the rise in the society causing unnecessary harassment and humiliation to the innocent persons for not fault on their part, the State needs to come up with a stringent policy to curtail this money minting business through illegal. The mere contention that the petitioner is ready and willing to join the

investigation does not vest a right for grant her anticipatory bail because an element of cheating is involved in it. Thus the case made out against the petitioner is certainly of a nature, where denial of anticipatory bail stands justified.

The Hon'ble Supreme Court in the case of ***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022 Live Law (SC) 870*** held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the prima facie case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

“It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.

Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail. We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even

if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

More so, investigation is still going on in the present case. It is settled proposition of law that power exercisable under Section 438 Cr.P.C. (now Section 482 BNSS, 2023) is somewhat extraordinary in character and it is to be exercised in exceptional cases. The Supreme Court in **“State vs. Anil Sharma”;** (1997) 7 SCC 187, held as under:-

“We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of the code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also material which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods needs not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

4. Relief

In view of the seriousness of the allegations as also the need to take the investigation to its logical conclusion, the custodial interrogation of the petitioner is certainly required. Therefore, I find no merit in the instant petition, hence, the same is hereby dismissed.

However, it is made clear that the observations in this order are only for the purposes of deciding this bail application and the trial Court is free to adjudicate upon the matter in accordance with law.

(SANDEEP MOUDGIL)
JUDGE

03.03.2025
Meenu

- 1. *Whether speaking/ reasoned* : *Yes /No*
- 2. *Whether reportable* : *Yes /No*