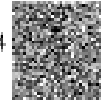


104

2025.PHHC.030924



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12260-2025
DECIDED ON: 05.03.2025

PARVINDER KAUR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Rajesh Pal, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No. 16 dated 06.02.2025 (Annexure P-1) registered under Sections 318(4), 61(2) BNS and Section 13 of Punjab Travel Professional Regulation Act, 2014, Police Station Phase-11, District SAS Nagar, Mohali.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Copy of statement, "Statement of Mamta Rani wife of late Sushil Kumar resident of House NO. 1363/3, Phase-11, Mohali, District SAS Nagar aged 45 years mobile number 8699221136, stated that I am a resident of above mentioned address and am a housewife. My husband Sushil Kumar died of Cancer in the year 2010. I have two sons. My elder son Rajeshwar aged 23 years, who is BA, works alongwith his maternal uncle Tulsi Ram on his Shoe Shop at Burail. My

younger son Manav aged 20 years, who after passing 10+2 was doing B. Com. first year. That Rinku resident of Kansal, Mohali whom I met around two years ago at my friend's home, due to which I started conversation with her. we both developed sisterly relation and we started visiting each other's homes. In February, 2024 I asked my friend Rinku regarding sending my son Manav to America, who told me that her son has gone to America and he was sent by her real paternal aunt's (Bhua) son Gurjinder Singh resident of Village Naneola, District Ambala. She called Gurjinder Singh at her home to have a talk with me and who talked about sending my son to America after getting legal visa and who asked that an expenditure of Rs. 30 lakh shall be incurred in sending my son Manav to America. On the asking of my friend Rinku I alongwith my son Manav paid Rs. 3 lacs in cash alongwith passport of Manav and my passport number 54529141 to Gurjinder Singh at Rinku's home at Kansal. After that on 18.07.2024 Agent Gurjinder Singh took my son to Mumbai from Delhi alongwith him. After that Gurjinder Singh demanded Rs. 15 lacs from me. I asked him to deposit the amount in his account to which he asked that tax shall be levied upon him and therefore pay in cash. On his asking I withdraw Rs. 15 lakh from my account in Punjab National Bank, Phase-11, Mohali and paid him Rs. 15 lakh by calling him at my home at Phase- 11, Mohali. Thereafter few days he asked me on phone that he has to give dollars to my son Manav and demanded Rs. 2 lakh 50 thousand more. I paid Rs. 2 lakh 50 thousand cash to Agent Gurjinder Singh by calling him at my home in Phase-11, Mohali. I paid all these amounts by selling my house No. 1557 which was in my name and was situated at Ravindra Enclave, Phase-3, Baltana. I am in talks with my son Manav on his phone number 8264171363 and he told me that Agent Gurjinder Singh deceitfully tried sending him to America by donkey route via Panama jungles and Mexico and at present he is stuck in Mexico city alongwith other boys where he has been threatened to be killed and asked to pay Rs. 25 lakh more and this has been asked by

Agent Gurjinder to my son Manav. After that I called Agent Gurjinder on his phone number 9996699898 many a times but he did not pick my phone. Then my son gave another number and my son Manav told me that he has another partner agent whose name is Mukul and he is a resident of Ismailabad, Haryana and his phone number is 9996715382. I talked on this number through WhatsApp and he threatened that we will pay Rs. 25 lacs ourself by coming to his place, whereas Rinku, Gurjinder and Mukul all in connivance with each other received Rs. 21 lakh from me and demanding Rs. 25 lakh more on the false pretext of sending my son to America and they have my passport as well. Appropriate legal action be taken against all of them. Statement got recorded, read and it is correct.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner's only involvement was introducing the complainant to the main accused namely Gurjinder Singh, through whom she had sent her son to the US in the year 2023 after arranging the necessary funds by selling 1 kanal 10 marlas of land for a total amount of Rs. 10,10,000/-, as evidenced by the sale deed registered on 28.01.2025 with the Sub Registrar, Majri, Tehsil, and District SAS Nagar, Mohali. He further asserts that the petitioner has been frivolously implicated in the instant FIR, having no direct role or interest in the transaction between the complainant and main accused namely Gurjinder Singh, nor being a beneficiary of the aforesaid transaction and the amount involved.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Jaspal Singh Guru, AAG, Punjab accepts notice on behalf of the respondent-State and seeks dismissal of the instant petition urging that the main accused namely Gurjinder Singh is none other than the cousin brother of the present petitioner and being in hand in glove was fully aware of the fact that offence of cheating is being committed by the petitioner upon the complainant.

4. Analysis

Be that as it may, having gone through the facts and circumstances as involved in the instant FIR and divulge out of the present FIR along with submissions made hereinabove before this Court, this Court is of the considered view that the essence of cheating on the part of the petitioner *prima facie* is absent and could not be narrated by the State counsel during the course of hearing and hence the petitioner cannot be sent behind the bars as no case for custodial interrogation is made out against her.

5. Relief

In the light of above, the petitioner is directed to be released on anticipatory bail subject to her joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction for the reason that custodial interrogation of the petitioner is not required as it would be of no fruitful purpose to put the petitioner behind the bars. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such

directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.'

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week and comply with the aforesaid condition under Section 482(2) of BNSS, 2023, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

05.03.2025

Poonam Negi

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No