



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106

CRM-M-15462-2025

Date of Decision : March 20, 2025

GUNEET CHAWLA @ GUNEET BAJAJ

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present : Mr. Naveen Sharma, Advocate for the petitioner.

SANDEEP MOUDGIL, J. (Oral)**1. Relief sought**

The jurisdiction of this Court has been invoked under Section 482 BNSS seeking pre-arrest bail in case FIR No.53 dated 27.2.2025 (Annexure P-1), under Sections 420/120-B IPC, registered at Police Station Division No.5, Police Commissionerate Ludhiana, District Ludhiana.

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

"Today an application PGD No. 458127 System ID 459124 dated 25.10.2024 by Ajay Kochar son of Raman Kumar resident of 785/1, Ram Gali No. 1, Old Madhopuri, Gaushala Road, Ludhiana Mobile-7009850516 has been received at police station through mail. Commissioner It of is as follows, "Hon'ble Police, Ludhiana Subject-Application against 1) Biri Chawla (Mobile-70473-00022), 2) Guneet Chawla (Guniya Kaur), M/s Overseas Education and Career Consultant (OECC) Firoz Gandhi Market, Upstairs Biryani By Kilo, Ludhiana, 3) Nikhil Jain (75080-45046), 4) Rubi (78144-46046), 5) Harpreet (98882-78146,98882-31046) in conspiracy with each other to defraud the applicant of Rs.15 lakh in the name of sending the applicant abroad, for illegally withholding documents and signed documents of the applicant, misappropriation of money, abuse and threats to implicate in a false case, it is my request that I,

Ajay Kochar son of Raman Kumar, resident of 785/1, Ram Gali No. 1, Old Madhopuri, Gaushala Road, Ludhiana, make the following application to you

- 1. That I am resident of the said address and I was eager to settle abroad with my wife Gagandeep and daughter Inaya.*
- 2. That I met the aforesaid accused in their office at Feroze Gandhi Market and after seeing the documents of me and my family, he assured me that i have a good case to go to the UK. Having said this, in February-2023, the accused took my wife's and my child's documents and signed documents from me, saying that these are necessary for making a file. They asked for 24 lakh rupees to settle and they asked me for 15 lakh rupees in cash advance, which I raised 15 lakh rupees with great difficulty by selling my wife and my jewellery, in which money some also was taken from relatives and gave 15 lakh rupees to the said accused in June-2023. In August-2023, our UK visa was rejected, on which I demanded my money from the said accused, then the said Accused assured that your file can be made to Australia and the Accused gave us a new excuse that they will send us to Australia. Since we had already paid huge amount to accused, we agreed to the words of accused regarding Australia under compulsion. Accused said that it will take 2-3 months and we will have to keep quiet, But Accused also said that if the work is not done, then the money will be returned in one month. In this regard, he gave us a letter on a pad, a copy of which is attached.*
- 5. After this, when we did not received visa, then I kept on calling accused persons and used to visit their office but accused kept on making excuses. They had bouncers in their office so that no one can say anything to them. I saw in their office that people like me were sitting with this money stuck, and it became clear to me that the accused cheated in the name of sending abroad.*
- 6. When accused did not got visa for me for long time, I met them in the office and demanded to return the money, then the accused started abusing me and started fighting and threatened to kill me and also threatened that they will not return the money and if the applicant complains anywhere, the applicant and his family will have to face serious consequences. Accused No. 1 and 2 were also helped by Accused No. 3 to 5 in this case.*
- 7. That the said accused are also threatening me by calling on WhatsApp from different international numbers and have conspired to extort 15 lakh rupees from me. Therefore, I request you that the said accused have conspired with each other to*

defraud the applicant of 15 lakh rupees in the name of sending the applicant abroad, the applicant's documents and signed documents are in illegal possession. Strict legal action should be taken against the accused regarding keeping, misappropriating money, threatening to implicate in a false case and my money and documents should be returned and our life and property should be protected. Applicant Sd/-Ajay Kochar Ajay Kochar son of Raman Kumar resident of 785/1, Ram Gali No. 1, Old Madhopuri, Gaushala Ludhiana Mobile-7009850516.”

3. Contention

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case merely for being wife of the main accused, namely, Virinderdeep Singh Chawla despite the fact that she has no good terms with her husband and is already entangled into litigation by referring to a document Annexure P-4 i.e. e-mail sent by SG Legal, Advocates Ludhiana, District Courts to the husband of the petitioner reflecting that both were in consultation to reach an amicable settlement by negotiating the terms of separation from each other.

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, who could not put forth any incriminating material even as per the *pairvi* reports/instructions received by him from the IO except that exchange of Rs.15 lacs each in cash has been alleged to have taken place in favour of the petitioner *qua* which there is no cogent evidence to her as well as to her husband.

4. **ANALYSIS;**

Be that as it may, considering the fact that the petitioner has been roped in the present case only for being wife of the main accused, namely, Virinderdeep Singh Chawla with whom she is having strained relationship added with the fact that the petitioner is not even a beneficiary to the amount received from the complainant.

And, as far as the pendency of other cases against the petitioner and his involvement in other cases is concerned, reliance can be placed upon the judgment of this Court rendered in CRM-M-25914-2022 titled as ***“Baljinder Singh alias Rock vs. State of Punjab”*** decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would land the petitioner in a situation of denial of concession of bail.

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

March 20, 2025
ajay-1

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No