



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

106

CRM-M-20589-2025

DATE OF DECISION: 21.04.2025

SUKHWINDER KAUR

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. J.S. Dadwal, Advocate for the petitioner(s).

Mr. Jastej Singh, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)1. Prayer

This petition has been filed under Section 482 of BNSS for grant of anticipatory bail in FIR No. 0074 dated 11.03.2025 under Sections 420 IPC Act, 1860 registered at P.S. Civil Lines, Batala, Police District Batala, District Gurdaspur.

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

‘Subject: Application regarding fraud of 10,00000 (Rupees Ten Lakhs) for sending abroad and cheque bounced issued by agents. Application against Agent Sonu Walia (Mobile No.-7986141028) Agent Param Walia (Mobile No.--6280809283) Resident of Mann Nagar Batala and 2) Sukhwinder Kaur (Mobile No. 7740009804) Resident of Village Dalla District Gurdaspur. Respected Sir, it is requested that I



Parminder Singh (Aadhaar No. 6761 4995 4447) son of Sukhdev Singh is a resident of Village Harchowal, Tehsil Batala, District Gurdaspur. The request of the applicant is as follows- 1) That I am a driver and the husband of the above said Sukhwinder Kaur also worked as a driver alongwith me, thus I became a known of them and the above said Sukhwinder Kaur started saying that they got the visa of her son for Spain (abroad). Then she told me if I wanted to go abroad she will send me abroad. Then I met above said agents through her Batala where at Sonu Walia, Param Walia Prime Hotel and Restaurant finalised was deal of Rs. 10,00,000/-(Rupees Ten Lakhs) for sending me to Spain That 2) (abroad). thereafter I transferred Rs.2,50,000/- in the account of the above said Sukhwinder Kaur on 31.08.2022 and also handed over my passport. 3) That thereafter I transferred Rs. Rs.1,50,000/- in the account of Kulwinder Fauji as per the instructions of Sonu Walia. 4) That thereafter I gave Rs. 6,00,000/-(Rupees Six Lakhs) under installments to Sonu Walia and Param Walia and their manager. 5) That in this way the above said agents received Rs. 10,00,000/-(Rupees Ten Lakhs) from me. 6) That thereafter the above said agent was given fake visas and four fake tickets due to which I could not go abroad. 7) That when we talked to the agents, they started saying that we cannot send you abroad, we will return your money. 8) That they again gave as Security Cheque No. 217968 dated 10-11-2023, Federal another Back Cheque amount No. of Rs.4,50,000/- 10217989 amount and of Rs.4,50,000/- dated 05-12-2023 and asked to gave cash Rs. 1,00000/- one lakh). 9) That after this, when we deposited the cheques in the bank, the cheques were bounced. 10) That now above said agents threatened us that they will not return our money. 11) That I am a poor person and had taken the money with interest and the agents have cheated us in the name of sending abroad. So please take appropriate legal



action against the said agents and our payments be returned. I shall be highly thankful to you.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. He has submitted that the petitioner is a housewife and widow who wants to send her son abroad. He has further argued that the petitioner has not committed any offence, more so, she herself is a victim as she got registered FIR against Sonu Walia and Param Walia for cheating and committing fraud with her for an amount of Rs. 4,50,000/- on the pretext of sending her son abroad. It is further contention that the petitioner has registered an FIR No. 85 dated 26.12.2024 under Section 420 IPC and Section 13 of Punjab Prevention of Human Smuggling Act, 2012 at P.S. Quadian, District Batala against Kulwinder Singh, Harpreet Singh @ Sonu Walia for providing fake visa and tickets to her son. He urges that no offence mentioned in the present FIR is made out against the present petitioner and the present case is purely civil in nature and has been given the colour of criminal liability.

Learned counsel for the petitioner undertakes that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer.

Notice of motion.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating officer vehemently opposes the prayer



for grant of concession of anticipatory bail stating that the allegations levelled against the petitioner are serious in nature as the petitioner allured the complainant on the false pretext of sending his son abroad and cheated him of a huge amount of Rs. 10 lakhs.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties to the effect that the petitioner herself lodged an FIR detailed mentioned above against the accused persons, no specific role has been attributed to the petitioner, moreso, no recovery is to be effected from the present petitioner, hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **Relief**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to her joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of 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 one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

21.04.2025
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>