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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRM-M-30281-2025 (O&M)
Date of decision: 16.07.2025

Gurminder Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. K. S. Dadwal, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), is for grant of anticipatory bail to the petitioner in FIR No. 27 dated 24.03.2024, registered under Sections 406, 420 and 120-B of IPC and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014 at Police Station Division No. 4, Police Commissionerate, Jalandhar (*mentioned as 'Police Station Division No. 4, Police Commissionerate, Ludhiana' in original petition*).

2. The aforementioned FIR has been registered on the basis of a joint complaint submitted by complainant/victims Ranjit Singh and Baljinder Singh alleging therein that they were looking for a job abroad. On Facebook, they came across an advertisement qua facilitation of work visa for Canada. The victims had contacted on the phone number given in the advertisement and were called at the office of Visa City Counselling at Jalandhar. The petitioner

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along with co-accused Pooja, Sahil Ghai and Amit Kumar, who were running that office, assured issuance of visas to the victims. The petitioner introduced herself as a Counsellor, whereas co-accused Sahil Ghai and Amit Kumar represented them as Directors of the said travel agency. They induced the victims to part with some money initially. Their passports had been taken. Subsequently, they showed some visas to them and told them that their tickets and visas would be given at the time of their boarding for the flights. They made both of the victims part with a total amount of Rs.9,63,000/-. At that point of time, due to outbreak of Covid-19 pandemic, the flights were not operating. When the flights started operating subsequently, the victims visited the office of the petitioner and asked her as well as other co-accused to give their passports and then they found that there was no entry regarding issuance of any visa on their passports and fake visas had been shown to them. The petitioner and co-accused also did not return the money received by them and had cheated the victims. After registration of the FIR, investigation proceedings have been initiated and are underway. Apprehending her arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Jalandhar but the same had been dismissed, vide order dated 23.05.2025.

3. After filing of the instant petition before this Court, the petitioner, vide order 28.05.2025, was granted concession of interim bail and was directed to join investigation by surrendering before the Arresting/Investigating Officer within seven days. Status report was filed by the respondent-State, as per which, proclamation proceedings were initiated against the petitioner and she was declared a proclaimed person on 02.06.2025. However, since the status

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report was silent on the point as to whether the petitioner had gone to join investigation in compliance with order dated 28.05.2025 or not and also did not explain as to why the fact that proclamation proceedings were initiated against the petitioner was not disclosed at the time of passing of order dated 28.05.2025, therefore, direction was given to the Investigating Officer to file a sworn affidavit for explaining the reasons.

4. Today, reply by way of affidavit in compliance with order dated 10.07.2025 has been filed. It is submitted therein and learned State counsel has argued that in the petition that had been initially filed by the petitioner, the name of the concerned police station was mentioned as '*Police Station Division No. 4, Police Commissionerate, Ludhiana*', whereas the matter pertains to '*Police Station Division No. 4, Police Commissionerate, Jalandhar*'. It is also submitted that though there was some lapse on the part of the police officials also as they had received previous notice but the petitioner had also not given correct details and due to that reason, the fact that proceedings for declaring the petitioner as a proclaimed person had been initiated could not be brought to the notice of this Court at the time of passing of order dated 28.05.2025. It is also argued mentioned that departmental proceedings have been initiated against the erring officials.

5. It is further submitted by learned State counsel that the aforesaid facts have been intentionally concealed by the petitioner. The petitioner did not appear before the Investigating Officer at all in compliance with order dated 28.05.2025. Learned State counsel has also placed on record copies of orders passed by the learned Chief Judicial Magistrate, Jalandhar, which reveal that an application for issuance of non-bailable warrants against the petitioner had

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been moved on 10.03.2025 and subsequently, vide order dated 02.04.2025, proclamation proceedings had been initiated against the petitioner and the same was issued for 02.06.2025. Meaning thereby that at the time when the present petition has been filed on 24.05.2025, the proclamation proceedings had already been initiated against her but she did not disclose the said fact before this Court. It is well settled proposition of law that filing of an anticipatory bail cannot be treated as appearance before a Court by a person who either has been declared a proclaimed offender/person or against whom such proceedings are pending. The scope of Section 482 of BNSS cannot be extended to a person, who has apprehension of arrest on account of being declared a proclaimed person or due to jumping bail. Keeping in view the aforesaid facts and circumstances and also the conduct of the petitioner, I am of the considered opinion that the petitioner does not deserve to be granted concession of pre-arrest bail. Accordingly, finding no merit, the petition is dismissed. The interim protection granted to the petitioner shall stand withdrawn.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

16.07.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No