

2025:PHHC:117019



203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33719-2025

Date of Decision: 29.08.2025

Jaspreet Kaur

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

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

Mr. Gautam Thapar, Sr. DAG, Punjab.

Mr. Karan Sharma, Advocate
for respondent No.2-complainant.

AARADHNA SAWHNEY, J. (ORAL)

1. The present petition for grant of pre-arrest bail has been filed by petitioner-Jaspreet Kaur, an accused in FIR No.201 dated 04.07.2023 registered against her for commission of offence punishable under Sections 406/420/120-B of IPC (Sections 467/468/471 of IPC and Sections 24/25 of the Emigration Act added later on), at Police Station City Ratia, District Fatehabad (Annexure P-1).

2. Relevant facts, as emerged from the documents on record be noticed herein below:-

Jasbir Singh, son of Golu Ram, resident of village Ratta Khara, Tehsil Ratia, District Fatehabad set the criminal law in motion, by filing a complaint pointing therein that on 14.05.2022, Shivdeep son of Hardev, resident of Burj Mansa, District Bathinda met him and disclosed that Lovepreet Singh son of Jagtar Singh, his sister Jaspreet Kaur (present petitioner), Amritpal Kaur and another

girl named Pooja Rani are engaged in the emigration business. They all are well placed and have good jobs in companies. On the following day, Shivdeep Singh and Lovepreet Singh came up to him and falsely assured him to send him to Portugal and then to Germany. For this purpose, they demanded Rs.9 lakhs. His family members, however, expressed reluctance on account of financial constraints, when the aforementioned two persons stated that they are willing to accept money in installments. Somehow his family members got carried away and borrowed money from friends, relatives and his mother sold her gold ornaments and the entire money was paid in installments. Thereafter, he was taken to Delhi, then to Indonesia and finally to Thailand. He questioned the accused persons as to why he has not been sent to Portugal, when it was disclosed that he would have returned back to Delhi. Once he returned back to his hometown, all the accused persons stopped taking his calls and eloped. Primarily, with this backdrop, complainant requested the police authorities to initiate appropriate proceedings against all the accused, who have committed a calculated fraud on him. On the basis of the said complaint, a formal case vide FIR No.201 dated 04.07.2023 under Sections 406/420/120-B of IPC (Sections 467/468/471 of IPC and Sections 24/25 of the Emigration Act added later on), Police Station City Ratia, District Fatehabad, was registered against the petitioner and others involved in the incident.

3. Apprehending her arrest, petitioner filed an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Fatehabad, which was dismissed vide order dated 20.06.2025. Aggrieved of the same, the present petition has been filed.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case, no specific role has been attributed to her, except that she is sister of main accused Lovepreet Singh and known to Shivdeep, who had defrauded the complainant. Learned counsel further submits that petitioner, whose past antecedents are quite clean (she being not

involved in any other case) and who has been working as an Accountant in a private firm, deserves a lenient view to be taken in her favour, more so when no money was received by her from the complainant. Learned counsel also submits that petitioner is willing to join the investigation as and when called for by the I.O. Towards the end learned counsel also contends that in case, if any money is received by petitioner, she is willing to return the same to the complainant.

5. Per contra, learned State counsel has opposed the petition on the ground that petitioner and other co-accused have been duping innocent persons on the pretext of sending them abroad. Learned State counsel has also drawn attention of the Court to the status report filed in the shape of affidavit of Mr. Kulwant Singh, HPS, Deputy Superintendent of Police (Haryana) wherein it has been mentioned therein that during investigation of the case, one of the co-accused namely Pooja Rani was arrested, who disclosed the *modus operandi* adopted by all the accused in cheating innocent persons on the pretext of sending them abroad. Aforesaid Pooja Rani also disclosed that a fake and forged visa was delivered to the complainant-victim. It further came to the notice of the I.O. that petitioner played an active role in the entire incident, in connivance with her brother and other accused. Documents also reveal that some money had been credited to her account by complainant. In all about Rs.97,000/- was deposited in the account of the present petitioner. Moreover, it also stood revealed that petitioner and another co-accused had accompanied complainant to the airport. Along with the status report, copy of the bank statement account of complainant has also been appended.

6. Mr. Karan Sharma, Advocate has filed Power of Attorney to represent the complainant-respondent No.2 and has vehemently opposed the present petition. Both the learned State counsel and learned counsel for the

complainant contend that the incident when viewed in totality leaves no doubt that present petitioner played an active role. Her custodial interrogation is required to find the whereabouts of the other accused involved in the incident (as except one have not been arrested till date), as also the modus operandi adopted by all of them to cheat the innocent persons and to throw light on the other interacies of the case. Dismissal of the petition was prayed for.

7. I have heard the learned counsel for the parties and perused the case file thoroughly.

8. Before expressing opinion on the merits of the case it will be appropriate to briefly recapitulate the points to be kept in mind while deciding the petition for grant of the anticipatory bail. The Hon'ble Supreme Court in a landmark judgment of ***Sushila Aggarwal Vs State (NCT of Delhi) AIR 2020 SC 831*** reiterated the principles guiding the grant of Anticipatory Bail and held that:

“78. Having regard to the above discussion, it is clarified that the court should keep the following points as guiding principles, in dealing with applications under Section 438, Cr. PC:

(a) As held in Sibbia, when a person apprehends arrest and approaches a court for anticipatory bail, his apprehension (of arrest), has to be based on concrete facts (and not vague or general allegations) relatable a specific offence or particular of offences. Applications for anticipatory bail should contain clear and essential facts relating to the offence, and why the applicant reasonably apprehends his or her arrest, as well as his version of the facts. These are important for the court which considering the application, to extent and reasonableness of the threat or apprehension, its gravity or seriousness and the appropriateness of any condition that may have to be imposed. It is not a necessary condition that an application should be moved only after an FIR is filed; it can be moved earlier, so long as the facts are

clear and there is reasonable basis for apprehending arrest.

(b) xxxxxx

(c) xxxxxxxx

(d) Courts ought to be generally guided by the considerations such nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while assessing whether to grant anticipatory bail, or refusing it. Whether to grant or not is a matter of discretion; equally whether, and if so, what kind of special conditions are to be imposed (or not imposed) are dependent on facts of the case, and subject to the discretion of the court.”

Recently, the Coordinate Bench of this Court in ***Vijender Vs State of Haryana***, CRM-M-20769-2024 decided on 09.05.2024 highlighted the growing trend of duping innocent people in the name of sending abroad as follow:-

“9. The allegations pertain to cheating on assuring visa under the garb of payment of money. Although the complainant also knew that they were paying money to get a Visa through illegal means, and undoubtedly, later on cried foul, it is just like the kettle calling the pot black, but a con cannot seek bail because of the victim's stupidity. The sly way the petitioner and his accomplices conned, tricked, deceived, swindled, and defrauded the gullible complainant points towards the dangerous trend of the revival of thuggee, and if not sternly dealt with now, it might upsurge, revisiting the history.”

9. In the case in hand, from the documents placed on record, it stands established that some amount was credited in the account of the petitioner by complainant. Petitioner has been unable to explain as to in what context this amount was deposited by the complainant. During the course of the submission, learned counsel for the petitioner though submits that petitioner is willing to hand over an amount of Rs.97,000/- deposited in her account, but in fact complainant had handed over Rs.9,00,000/- to all the accused. The fact

that she (petitioner) accompanied complainant to airport, her plea that she was not aware about the reason why she, her brother co-accused Lovepreet and his friend Shivdeep etc. visited Delhi along with complainant, is too feeble to be believed. The Court is of the opinion that the custodial interrogation of the petitioner is needed to find the whereabouts of the other accused, to know how they prepared the forged documents, as also to find out as to who all have been defrauded and who all are involved in this racket etc. When seen in totality, petitioner has failed to make out a case of exceptional depravity hardship in her favour, entitling her to the relief of pre-arrest bail. No case for grant of concession of pre-arrest bail is made out in favour of the petitioner.

10. Accordingly, the present petition stands dismissed.

29.08.2025
Parveen kumar

(AARADHNA SAWHNEY)
JUDGE

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No