

CRM-M-50899-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50899-2024
Reserved on: 03.03.2025
Pronounced on: 12.03.2025

Rimpi Puri ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Saurav Bhatia, Advocate
for the petitioner.

Mr. Sukhdev Singh, AAG, Punjab.

Mr. Ajay Kumar Chaudhary, Advocate
for respondent No.2.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
112	27.12.2023	Rahon, District Shaheed Bhagat Singh Nagar	420 IPC and Section 13 of Punjab Travels Professionals (Regulation) Act 2014

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. Vide order dated 11.10.2024, the petitioner was granted interim bail, which continues to date.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“....that the brief facts of the present case are that the instant case/FIR No. 112 dated 27.12.2023 has been registered under Section 420 of IPC and Section 13 of Punjab Travel Professionals (Regulation) Act 2014, at Police Station Rahon, District Shaheed Bhagat Singh Nagar against the present petitioner along with his co-accused namely Khushal Puri son of Rajesh Kumar and Vishal Puri son of Rajesh Kumar (sons of petitioner) on the complaint No. 1089-PTM dated 10.07.2023. moved by the complainants namely Ram Lubhaya son of Sohan Lal (respondent No.2) and Kirpal Kaur wife of Late Amrik Singh, residents of Mohalla Sarafan, Rahon, Tehsil Nawanshahr, District SBS Nagar to the Senior

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Superintendent of Police, SBS Nagar against the petitioner and his co-accused for deceiving the complainants to the tune of Rs. 6,80,000/- on the pretext of sending their sons abroad i.e. Armenia. The complainants further alleged in their aforementioned complaint that Khushal Puri son of Rajesh Kumar (son of petitioner), is a travel agent and he had entered into one agreement dated 28.04.2023 (Annexure R1/T) with the sons of the complainants namely Jaspreet Singh son of Ram Lubhaya and Swaranjit Singh son of Surjit Singh, residents of Mohalla Sarafan, Rahon, District SBS Nagar whereby the said Khushal Puri agreed to send the sons of the complainant abroad i.e. Armenia and for this purpose, he agreed to charge a total amount of Rs. 6,80,000/- (Rs. 3,40,000/- per person) from them. The complainants further alleged that at the time of receiving original passports of the sons of the complainants, the said Khushal Puri got transferred Rs. 1,00,000/- (Rs. 50,000/- per person) into his joint bank account No. 144301000004564 with his mother Rimpay Puri (present petitioner), maintained at Indian Overseas Bank, branch Nawanshahr from the sons of the complainants and thereafter, the aforesaid Khushal Puri further got transferred Rs. 3,00,000/- (Rs. 1,50,000/- per person) into the aforesaid bank account from the sons of the complainants. The complainant further alleged that the said Khushal Puri sent the sons of the complainants to Armenia, where he received a sum of Rs.2,80,000/- in cash from the sons of the complainant through his brother namely Vishal Puri, but he did not provide accommodation, work, 5 years work permit and social card in Armenia to the sons of the complainant as per the agreement dated 28.04.2023 (Annexure R1/T) executed by him. The complainant further prayed to take legal action against the petitioner and her aforementioned co-accused.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions. The petitioner's counsel argued that the custodial investigation would serve no purpose whatsoever and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.

5. The State's counsel opposes bail and refers to the reply. Complainant's counsel vehemently opposes the bail.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“10. That it is further submitted that there are specific and well founded allegations against the petitioner. The petitioner in connivance with her

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co-accused deceived the complainants to the tune of Rs. 6,80,000/- on the pretext of sending their sons abroad i.e. Armenia and the sons of the complainants paid entire amount to petitioner and her co-accused as per agreement dated 28.04.2023 (Annexure R1/T) for their stay in foreign country along with work permit for five years but the petitioner and her co-accused did not fulfill their promise. Moreover the investigation of the present case is still going on and the amount paid by the complainant side to petitioner and her co-accused is yet to be recovered, therefore custodial interrogation of the petitioner is very much required in this case. It is further submitted that if the petitioner is released on bail in this case, then she will tamper with the evidence and will hamper the pending investigation. The petitioner will flee away from the jurisdiction of this Hon'ble Court, if she is released on anticipatory bail. Hence, the petitioner is not entitled for any kind of relief from this Hon'ble Court."

REASONING:

7. The petitioner was granted interim protection, and during the interregnum, there is no allegation that he had intimidated the witnesses, hampered the investigation, or, despite being called to join the investigation, did not appear before the investigator. Given the above, there would be no justification to discontinue the interim protection, which is made absolute subject to the petitioner complying with the terms of the bail order and the following additional conditions.

8. There is sufficient prima facie evidence connecting the petitioner with the alleged offense; amount involved, still, it is neither a case for custodial interrogation nor pre-trial incarceration. Although the evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing the same for the bail stage.

CONDITIONS:

9. The petitioner is directed to join the investigation within seven days and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

10. Any observation made hereinabove is neither an expression of opinion on the case's

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merits nor shall the trial Court advert to these comments.

11. **Petition allowed** in terms mentioned above. Interim order dated 11.10.2024 is made absolute. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

12.03.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.