

(2014) 05 P&H CK 0442

High Court Of Punjab And Haryana At Chandigarh

Case No: CRM No. M-43112 of 2013 (O&M)

Parminder Kaur

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: May 27, 2014

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 438
- Penal Code, 1860 (IPC) - Section 120-B, 420, 465, 467, 468

Hon'ble Judges: Tejinder Singh Dhindsa, J

Bench: Single Bench

Advocate: K.D.S. Sodhi, Advocate and Mr. Salil Bali, Advocate for the complainant, Advocate for the Appellant; Salil Bali, Advocate for the complainant, Vaibhav Sharma, D.A.G., Punjab, Advocate for the Respondent

Final Decision: Dismissed

Judgement

Tejinder Singh Dhindsa, J.

This order shall dispose of the present petition filed u/s 438 Cr.P.C. praying for the grant of anticipatory bail to the petitioner in case F.I.R. No. 264 dated 19.12.2011 under sections 420, 506, 120-B I.P.C. (later on sections 465, 467, 468, 471 I.P.C. were added), registered at Police Station, City Ferozepur, District Ferozepur.

2. The F.I.R. in question was registered on the complaint of Tehal Singh son of Surat Singh with the allegations that the present petitioner as also co-accused namely Vikas Sharma, Radhika, Sachin Kumar Mathur, Harnek Singh and Daler Singh have duped him of a sum of Rs. 24,80,000/- on the pretext of sending his son namely Gurpinder Singh to Canada. The specific allegations are that the complainant had come in contact with co-accused Harnek Singh as also Daler Singh and these two persons had taken an advance of Rs. 1,80,000/- with a promise to send his son to Canada. Thereafter, the afore-noticed two persons instead of sending son of the complainant to Canada introduced him to the present petitioner and who in turn

invited the complainant to visit her at Mohali. Complainant further alleges that having reached Mohali, a sum of Rs. 24,80,000/- was settled so as to facilitate sending his son to Canada and which included all documentation pertaining to citizenship/Green Card etc. Categoric assertions are that the present petitioner and Vikas Sharma in the first instance took an amount of Rs. 5 lacs and the balance was taken in Village Mallanwal and Ferozepur City. Complainant alleges that his son was instead sent to Malaysia via Thailand and that also by resorting to illegal means. Son of the complainant is stated to have reached back to his village in Punjab after great hardship. It is against such brief factual backdrop noticed herein above that the complaint had been lodged by Tehal Singh, complainant to the police authorities.

3. On 19.12.2013, when this case came up before this Court for preliminary hearing, contention made by learned counsel appearing for the petitioner was noticed to the effect that Parminder Kaur was merely working with a company and had only received a sum of Rs. 22,500/- for purchasing tickets and the same had been accordingly arranged. At that stage notice of motion was issued and ad interim protection as regards arrest was granted to the petitioner.

4. Learned State counsel upon instructions from ASI Sukhminder Singh would apprise the Court that even though the present petitioner has since joined investigation but the recovery of such a huge amount is yet to be made.

5. It has also gone undisputed that during the course of investigation, the complainant has entered into a compromise with three of the co-accused namely Harnek Singh, Daler Singh and Radhika. Mr. Bali, learned counsel appearing for the complainant would concede to such fact and would submit that an amount of Rs. 4,75,000/- has been returned by co-accused Radhika, Rs. 2,20,000/- has been returned by co-accused namely Harnek Singh and Daler Singh jointly. This Court has further been informed that based upon such compromise having been entered into between the complainant with co-accused Harnek Singh, Daler Singh and Radhika, separate petitions for quashing of the F.I.R. based on compromise have been filed.

6. The facts as have been noticed herein above would be a clear pointer as regards the allegations made against the accused including the present petitioner of having taken a colossal amount on the pretext of sending his son abroad to be true.

7. Even though, at the stage of notice of motion the contention raised on behalf of the petitioner was that she had received only a sum of Rs. 22,500/- but during the course of hearing today learned counsel for the petitioner would submit that the petitioner is ready and willing to return a sum of Rs. 50,000/-. Even such offer would be *prima facie* indicate towards the fact that all the accused collectively have duped the present complainant.

8. In the totality of the circumstances, wherein the other co-accused have willingly returned reasonable amounts of money back to the complainant and the present petitioner being adamant, this Court is of the considered view that the concession of

pre-arrest bail should not be made admissible to such a person.

9. Even otherwise, this Court cannot proceed being oblivious of the large scale rackets being operated in these days, whereby such unscrupulous so called travel agents dupe innocent people of their hard earned money on the pretext of chasing a foreign dream. In the facts of the present case as noticed herein above, custodial interrogation of the petitioner may be warranted.

10 For the reasons recorded above, the present petition is dismissed.

11. Petition dismissed.