

**IN THE COURT OF DARBARI LAL,
ADDL. SESSIONS JUDGE, JALANDHAR (UID No. PB0087)**

C.I.S. No.	BA No. 3042-2019
C.N.R. No.	PBJL01-015958-2019
Date of Institution	19.07.2019
Date of Order	26.07.2019

Heena, aged 28 years, daughter of Late Sudesh Kumar, resident of village Arya Nagar, Dinanagar District Gurdaspur.

..... Applicant-accused.

Versus

State of Punjab

..... Respondent.

FIR No. 55 dated 29.05.2019
U/Ss 406, 420 of Indian Penal Code.
U/s 24 of Immigration Act.
Police Station: New Baradari, Jalandhar.

Bail Application U/s 438 Criminal Procedure Code

Present: Sh. Gurcharan Singh, Advocate, for accused-applicant.
Smt. Zeba Khalid, Addl.P.P. for the State.

ORDER

1. Present bail application has been moved on behalf of accused- applicant under section 438 of Criminal Procedure Code in case bearing FIR No. 55 dated 29.05.2019 under sections 406 and 420 of Indian Penal Code and under section 24 of Immigration Act registered with Police Station New Baradari, Jalandhar.
2. Notice of the bail application was issued to the prosecution and Smt.Zeba Khalid, Addl. P.P. for the State has appeared on behalf of State.
3. Heard. Learned counsel for the accused-applicant has contended that the accused/ applicant is innocent and has committed no offence as alleged in the FIR. She was employee with Kapil Sharma as a Clerk. All the money matters and documentations were dealt by Kapil Sharma. Nothing is to be recovered from the

possession of applicant-accused. As such, applicant-accused is not required for custodial interrogation. She undertakes to abide by all the terms and conditions of the bail. He lastly prayed that the accused-applicant may kindly be granted anticipatory bail.

4. On the other hand, learned Additional P.P. for State strongly opposed the bail application and prayed for dismissal of the bail application.

5. Having heard both sides, I have gone through the police record. Perusal of the police file reveals that the present case has been registered against the accused/ applicant along with her co-accused on the basis of an application moved by Khushbir Singh son of Gurbux Singh in which he has specifically submitted that he intends to send his daughter Australia for studies. He after reading the advertisement published in the newspaper by the co-accused of the accused-applicant namely Kapil Sharma reached to their office. They demanded ₹17 lacs for sending his daughter abroad and assured him to get visa within two months. He got obtained offer letter and asked him to pay him ₹9,00,400/- He transferred that amount in his account through account of his daughter. He paid the entire amount to him on 20.04.2019. Now, when he went to their office, he found the same locked and it was written outside that the said person is fraud and fled away from there. After inquiry, the case was registered against Kapil Sharma.

6. During investigation, complainant submitted supplementary statement on 10.06.2019 to the effect that Kapil Sharma told him that if he intend to send his daughter Poonam abroad then, he should meet Partap @ Ashish Baksh and Heena, his consultants in his office. He accordingly went there and met them. They asked him to pay First Semester fee amounting to ₹9,00,400/- and asked to pay the remaining amount after getting visa. Both obtained his signatures on the affidavit

which was already prepared by them whereby it was mentioned that if he will not send her daughter abroad then, he will get certificates of his daughter after paying ₹50,000/-.

7. No doubt, the certificates and documents have been recovered from the possession of her co-accused namely Bittu @ Nitta in FIR no. 71 dated 10.06.2019 under sect 406, 420 of Indian Penal Code. But neither the above said amount was returned by the accused-applicant along with her co-accused nor send daughter of complainant to abroad. The above said amount is yet to be recovered from the possession of accused-applicant along with her co-accused. For this purpose, custodial interrogation of accused-applicant is required.

8. So, this court is of the considered view that the accused-applicant is not entitled to anticipatory bail. So, the instant application is hereby, dismissed. Police record be returned forthwith. File be consigned to record room.

Pronounced in open Court:
Dated: 26.07.2019

(Darbari Lal)
Addl. Sessions Judge,
Jalandhar (UID No.PB0087)

**Sushma*

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Heena vs State

Present: Sh. Gurcharan Singh, Advocate, for accused-applicant.
Smt. Zeba Khalid, Addl.P.P. for the State.

Record received and perused.

Arguments heard. Vide my separate detailed order, this court is of the considered view that the accused-applicant is not entitled to anticipatory bail. So, the instant application is hereby, dismissed. Police record be returned forthwith. File be consigned to record room.

Pronounced in open Court:

Dated: 26.07.2019

(Darbari Lal)
Addl. Sessions Judge,
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