

PBBT010058312019



Presented on : 03-04-2019
Registered on : 03-04-2019
Decided on : 20-04-2019
Duration : 0 years, 0 months, 17 days

***IN THE COURT OF SH. MOHAMMAD GULZAR,
ADDITIONAL SESSIONS JUDGE,
BATHINDA
(UID PB-0063)***

***CNR No.PBB-T01-005831-2019.
CIS BA-899 of 2019.
Decided on 20.4.2019.***

Mandeep Kaur, aged about 43 years, wife of Sh.Harpreet Singh son of Sh.Sarwan Singh, resident of House No.42-B, Ward No.26, Sabzi Mandi, Bathinda.

.....Petitioner.

versus

State of Punjab

....Respondent.

***FIR No.23 dated 30.3.2019,
Under Section 420/120-B of
Indian Penal Code,
Police Station Thermal, Bathinda.***

***Bail Application under Section 438
of Code of Criminal Procedure.***

Present: Sh.Thomas Bhangan, Advocate, counsel for petitioner.
Sh.H.S.Gill, Addl.P.P.for State.
Sh.Pritpal Singh Advocate, counsel for complainant.

Mohammad Gulzar
Additional Sessions Judge PB-0063

ORDER

This order of mine shall dispose of an application for pre-arrest bail moved under Section 438 of Code of Criminal Procedure on behalf of aforesaid petitioner, in case FIR No.23 dated 30.3.2019, under Section 420/120-B of Indian Penal Code, Police Station Thermal, Bathinda.

2. The FIR in the present case was registered on the basis of an application moved by Akbar Singh son of Sukhdev Singh, resident of Gill Patti, on the allegations that one Ravi Rai had introduced him with one Raj Bhardwaj and his wife Bhavka Sharma. Said Bhavka Sharma and Raj Bhardwaj told him, Gurcharan Singh and Sukhchain Singh that they were doing the business of sending person to abroad (Canada/Amrica), in connection with factory work and they had already settled 200-300 families at Canada. The amount of Rs.20Lacs per person was settled. The amount of Rs.78,28,000/- was paid to the accused through various bank transaction. Thereafter the accused had given biased visa and ticket of Manveer Singh.

3. During investigation, Harjit Kaur suffered statement that her daughter Navdeep kaur was studying in IELTS. Harpreet Singh and his wife Mandeep Kaur (bail applicant) assured her to send her daughter to abroad. On 22.2.2018, Mandeep Kaur and her husband

Harpreet Singh took Rs.5Lacs from Harjit Kaur for sending her daughter abroad and thereafter on 28.4.2018 again took Rs.1,50,000/- from her. Thereafter Mandeep Kaur took Rs.2Lacs from her daughter.

4. Notice of application was issued to the State. Police record was requisitioned and received.

5. It was contended by the learned counsel for the applicant that the name of the petitioner is not mentioned in the application moved by the complainant. Even otherwise, the petitioner has no relation with the accused persons. Nothing is to be recovered from the petitioner and she is ready to join investigation.

6. On the other hand, the learned Additional Public Prosecutor for the State has vehemently opposed the bail application.

7. I have considered the aforesaid contentions raised by the learned counsel for the applicant-accused as well as the learned Additional Public Prosecutor for the State and have gone through the police record.

8. The allegations against the petitioner are that she duped Harjit Kaur and received R.8,50,000/- on the pretext of sending her

daughter abroad. Neither she send the daughter of Harjit Kaur abroad, nor returned the money and keeping in view the fact so many Indians have lost their lives during Malta Boat Tragedy due to illegal and unauthorised travel agents.

9. Without commenting upon the merits of the case, this Court is of the considered view that keeping in view the totality of the facts and circumstances of the case and gravity of nature of offence, I do not find any sufficient ground to grant pre-arrest bail to the applicant. Hence, the application under Section 438 Cr.P.C., moved on behalf of applicant Mandeep Kaur is dismissed. Police record be returned. File of this Court be consigned to the Record Room.

Pronounced in open Court
Dated: 20th April, 2019

(Suman)

(Mohammad Gulzar),
Additional Sessions Judge,
Bathinda
(UIDPB0063)