

In the Court of Sandeep Kumar Singla, Additional Sessions Judge,
Hoshiarpur. (UID No.PB-0118).

Bail application No.0388 of 2021
CIS Number: 0173 of 2021
CNR No.PBHO01-000488-2021
Date of Order: 29.1.2021

Rakesh Kumari, aged 40 years wife of Pawan Kumar, resident of Akash
Colony, Police Station Sadar, District Hoshiarpur.

.....Applicant-accused.

Versus

State of Punjab.

.....Respondent.

FIR No.144 dated 14.9.2020.
Under Sections 406 & 420 of IPC
Police Station Sadar, Hoshiarpur.

(Application for anticipatory bail U/s 438 Cr.P.C).

Present: Shri Sandeep Sharma, Counsel for applicant-accused.
Mrs. Mandeep Chahal, Additional PP for State.

ORDER:

Applicant Rakesh Kumari is seeking anticipatory bail in case FIR
No.144 dated 14.9.2020, under Sections 406 & 420 of IPC pertaining to Police
Station Sadar, Hoshiarpur. It is pleaded that the applicant is innocent and has
been falsely implicated in this case. Applicant has no concern with the present
case. She neither met the complainant nor any transaction was made in her
presence. Nothing is to be recovered from the applicant, as such her custodial
interrogation is not required. She undertook to abide by terms of bail and
prayed for directing the police to release her on bail in the event of her arrest.

2. Notice of bail application was issued to State but it did not file
reply and orally opposed the bail application.

3. Police record summoned and perused. I have heard the arguments
advanced by Learned Counsel for the applicant and Learned Additional PP for
State and also have gone through the record carefully.

4. Facts of the case are that complainant Jodha Singh had moved application to the SSP, Hoshiarpur stating therein that he contacted travel agent Pawan Kumar on his mobile phone for sending his son Manpreet Singh to Dubai. He promised that he will take his son to Dubai and will get permanent work there for which he demanded Rs.4 Lakhs. In May, 2019, he handed over Rs.2 Lakhs alongwith copy of passport to Rakesh Kumari wife of Pawan Kumar and his brother-in-law Naresh Kumar at his house. Then in July, 2019, he took his son to Dubai on tourist Visa. After 10 days, accused asked the complainant to pay balance amount of Rs.2 Lakhs at his house and it is regarding license fee. Then he alongwith his wife again went to the house of said Pawan Kumar and handed over Rs.2 Lakhs to wife and brother in law of Pawan Kumar. Thereafter, Pawan Kumar kept his son with him for four months but did not get him any work and rather started harassing him. Complainant prayed for taking action against the accused.

5. Enquiry was conducted by DSP (City), and then by SP (City), Hoshiarpur in which allegations against the accused were found to be correct. After filing of complaint, Rakesh Kumari and Naresh Kumar had entered into an agreement dated 23.10.2019 with the complainant and agreed to return Rs.2,50,000/- in two installments to him but they have failed to return any amount as per terms of agreement and accordingly, FIR was registered against the accused.

6. Learned Counsel for the applicant-accused has argued that the applicant-accused is wife of Pawan Kumar and she has been falsely involved being his wife. Moreover, the applicant is ready to pay part of amount i.e. Rs 50,000/ as per agreement. Learned Additional PP for the State, on the other hand has pointed out that applicant and her husband Pawan Kumar are the

main culprits in this case, as such she is not entitled to be given benefit of anticipatory bail.

7. Now from the facts, it has come on record that the applicant had entered into an agreement to return the amount of Rs.2,50,000/- vide agreement dated 23.10.2019 but has failed to pay the same as per that agreement. Husband of applicant is in Dubai. There are specific allegations against the applicant-accused that complainant paid money to her for sending his son abroad. Thus, involvement of applicant-accused in the entire incident is made out. The allegations against the applicant-accused are serious. A person who indulges in human trafficking and cheats innocent people is not entitled to the confession of anticipatory bail. Police needs to thoroughly investigate the matter to reach the truth for which the custodial interrogation of applicant will be very much required. Hence, in these circumstances, applicant-accused Rakesh Kumari is not entitled to be given benefit of anticipatory bail and accordingly, bail application filed by her under Section 438 Cr.P.C is hereby dismissed. Police record be returned and file be consigned to the record room, after its completion.

Announced in open Court:

Dated: 29th January, 2021.

‘Gautam Manocha, JW (SG)’

(Sandeep Kumar Singla),
Additional Sessions Judge,
Hoshiarpur.(UID No.PB-0118).

Rakesh Kumari Versus State. BA No.0173-2021.
(CNR No.PBHO01-000488-2021).

Present: Shri Sandeep Sharma, Counsel for applicant-accused.
Mrs. Mandeep Chahal, Additional PP for State.

Arguments heard. Vide my separate detailed order of even date,
bail application filed by applicant-accused Rakesh Kumari under Section 438
Cr.P.C for grant of anticipatory bail has been dismissed, as detailed therein.
Police record be returned and file be consigned to record room after its
completion.

Announced in open Court:
Dated: 29th January, 2021.
'Gautam Manocha, JW (SG)'

(Sandeep Kumar Singla),
Additional Sessions Judge,
Hoshiarpur.(UID No.PB-0118).