

**IN THE COURT OF SHRI MANJINDER SINGH,
ADDITIONAL SESSIONS JUDGE, JALANDHAR
UID No. PB0064**

PBJL010060712020



BA/2336/2020

Presented on : 24-06-2020

Registered on : 25-06-2020

Decided on : 29-06-2020

Duration : 0 years, 0 months, 5 days

**Kanta Devi aged 63 years w/o Som Dutt, r/o Village Johal, P.S.
Tanda, Tehsil Dasuya, District Hoshiarpur.**

....Applicant/accused

Versus

State of Punjab

.....Respondent.

FIR No. 60 Dated 11.05.2020

u/s 420,120-B of IPC, readwith Section 13

of Punjab Travel Professionals (Regulation) Act 2015,

PS Maqsudan, District Jalandhar.

Present:- Shri L.S. Saini, Advocate, counsel for the
applicant/accused (through video conferencing).
Sh. Gurpal Singh, Addl.P.P. for the State.

ORDER:

1. This order will dispose of bail application u/s 438 Cr.P.C.
moved by above named accused-applicant Kanta Devi in FIR No. 60
Dated 11.05.2020, u/s 420,120-B of IPC, read with Section 13, of Punjab
Travel Professionals (Regulation) Act 2015, PS Maqsudan, District
Jalandhar.

Manjinder Singh,
ASJ/JAL//29.06.2020.

2. Upon notice, this application was contested by learned Addl.P.P for the State.

3. I have heard learned counsel for the accused-applicant, Id. Addl.P.P.for the State and have gone through the file very carefully with their able assistance.

4. Learned Counsel for the accused-applicant pleaded that no overt act has been attributed to the accused/applicant in the present FIR. All the allegations levelled against the accused/applicant in the present FIR are false and baseless. The applicant has not committed any offence. The complainant alongwith his brother never met the applicant and false allegations have been levelled against her. Infact, the applicant being the family members has been falsely implicated in the present FIR to put pressure and to extract money. The applicant is having apprehension of her arrest in the instant case. Hence, it is prayed that the anticipatory bail application may kindly be allowed.

5. On the other hand, learned Addl. P.P. for State pleaded for dismissal of the bail application on the plea that the offence attributed the accused is of very serious nature. In this part of country many such frivolous travel agents are duping the innocent persons of their hard earned money on the pretext of sending them and their relatives abroad. Accused is required for custodial interrogation. No exceptional ground is made out to grant concession of anticipatory bail to the accused/applicant. Hence, prayed for dismissal of the bail application.

6. From the perusal of Police file this court finds that this case was registered against the accused/applicant and her co-accused on the basis of complaint made by Deepak Kumar son of Mohan Lal. Case was thoroughly investigated and report was submitted by Ranjit Singh, PPS, DSP(D), Jalandhar (Rural). Complainant had moved this complaint against the accused/applicant on the plea that they have committed fraud with him and his brother to the tune of Rs.8,10,000/- for sending his brother to Canada. During inquiry, it was found that even the matter was compromised between the parties and Rs.1,40,000/- was returned through bank account and even cheque was issued by Nitin as a security for the remaining amount, but the same was dishonoured. In the inquiry, it was found that Nitin son of Som Dutt, Inderjit son of Som Dutt, Mansi wife of Sanjiv Kumar and Kanta wife of Som Dutt in connivance with each other committed fraud with complainant for sending his brother to Canada to the tune of Rs.3,20,000/-. In this part of country many such frivolous travel agents are duping the innocent persons of their hard earned money on the pretext of sending them and their relatives abroad. Such like persons who are indulging in human trafficking are to be dealt with iron hands. In such type of cases accused is certainly required for custodial interrogation. In **Bal Krishan Fauzdar VS. State of Haryana 2018 (1) RCR Criminal 789** it is held by Hon'ble High Court in para No. 8 that, “it is well settled that custodial interrogation is more elicitation oriented since a person, who is couched in comparative safety of pre-arrest bail would certainly not disclose all the facts within his knowledge which

would be inculpatory for him. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely, which is not called for. The law laid down in this citation is fully applicable to the facts of the case in hand. As such keeping in view the gravity of offence, I do not deem it fit case to grant concession of anticipatory bail to the accused-applicant and the anticipatory bail application filed by accused-applicant Kanta Devi is hereby dismissed being devoid of any merits. Bail file be consigned to the record room and police record be returned immediately.

Pronounced in open Court
29.06.2020

(Manjinder Singh),
Additional Sessions Judge,
Jalandhar.
UID No. PB0064

rajesh**

Dictated directly on computer