

IN THE COURT OF AMRINDER SINGH GREWAL,
(Unique Identification Code PB 0037)
SESSIONS JUDGE, KAPURTHALA

CNR No. PBKP010036742021



Case No. BA/1427/2021

Presented on : 22-07-2021

Registered on : 23-07-2021

Decided on : 27-07-2021

1. Palwinder Kaur, aged 38 years, wife of Surjit Singh.
2. Harpreet Kaur, aged 41 years, wife of Jaspal Singh, both residents of Patti Ladhu Ki, village Dhilwan, District Kapurthala.

-----Applicants

Versus

State of Punjab.

----- Respondent

FIR No.65 Dated 16.07.2021
Under Section: 420/406 IPC
and 13 of Punjab Travel Professions Regulation Act, 2014,
Police Station: Dhilwan, District Kapurthala.

Bail Application under Section 438 Cr.P.C.

Present: Sh. V.K.Puri, Advocate, Counsel for the applicants
(through **video conferencing**).
Mrs. Chetna, Ld. Public Prosecutor for the State
(through **video conferencing**).
Sh. Sukhwinder Jaswal, Ld. Counsel for complainant
(through **video conferencing**).

ORDER:

1. Applicants Palwinder Kaur wife of Surjit Singh and Harpreet Kaur wife of Jaspal Singh, have filed the bail application under Section 438 Cr.P.C. and notice of the same was given to the State.
2. Heard. The record reveals that FIR No.65 dated 16.07.2021,

under Section 420/406 of the Indian Penal Code and 13 of Punjab Travel Professionals Regulation Act, 2014, was registered at Police Station Dhilwan, District Kapurthala, on the basis of statement of complainant Raman Kumar Punj son of Muni Lal against the present applicants and others, on the allegations that applicant No.1 Palwinder Kaur was known to the complainant as she had been visiting the General Store shop of the complainant. Further, as per allegations, at the shop of the complainant, there took a talk in between the complainant and applicant No.1 Palwinder Kaur for sending the son of the complainant namely Shivam to Canada. In this regard, applicant No.1 Palwinder Kaur told complainant that she knows Harpreet Kaur (applicant No.2) and she has got links and she can send Shivam (son of complainant) to Canada. Further, as per allegations, deal was struck for Rs.15 lacs, for sending son of the complainant to Canada. Further, the complainant party was also told that the son of the complainant will be sent via Bangkok and then Cambodia and ultimately to Canada. In this regard, even non applicants namely Kanchan and Harjinder Singh also met the complainant party. During the entire process and on different dates, the complainant party paid Rs.12,87,018/- to the present applicants and others. Further, as per allegations, when Shivam (son of complainant) alongwith others reached Cambodia (abroad) via Bangkok, he lost his passport and this was also informed to the complainant party. Then, the present applicants told the complainant party, that for getting the new passport, Rs.3,00,000/- will be charged. Ultimately, the complainant paid Rs.3,00,000/- to the present applicants for getting the new passport made at Cambodia. Further, as per allegations, Shivam (son of complainant) was never sent to Canada from

Cambodia, rather he returned back to India on white passport being made at Cambodia. Thereafter, complainant party approached the applicants and others for the return of their money i.e. Rs.12,87,018/-, but the same was never returned. Thus, it was submitted by the complainant that in this way, he has been cheated by the present applicants and others, on the false pretext for sending his son to Canada. Further, the complainant has also given the details regarding the payments made, on different dates, to the present applicants and others.

3. Ld. Counsel for the applicants has vehemently submitted before this Court that the applicants are innocent ladies and they have been falsely implicated in the present case, at the behest of complainant. It was further submitted that infact the complainant is a money lender and in this regard, applicant No.1 Palwinder Kaur took Rs.2,40,000/- from the complainant and since applicant No.1 Palwinder Kaur was unable to return the said amount, as such, a false case has been registered against applicant Palwinder Kaur. It was further submitted that even complainant had filed a complaint under section 138 of Negotiable Instruments Act against applicant No.1 Palwinder Kaur before JMJC, Kapurthala. At the same time, it was submitted that on 22.07.2020, complainant and his family members entered into the house of applicant No.2 Harpreet Kaur and caused grievous injuries on her person and even the complainant had tried to outrage the modesty of Harpreet Kaur (applicant No.2). Regarding this, FIR No.54 dated 28.07.2020, under sections 323/326/452/354/34 of IPC, was registered against complainant Raman Kumar Punj, his son Shivam and wife Kamna. Thus, it was submitted that since the above mentioned FIR was registered against the complainant

party, as such, the present case is the counterblast to the above mentioned FIR. In the end, it was submitted that since applicants are respectables of the society and they never allured the complainant to send his son Shivam to Canada and further applicants are ready to join the investigation, as such, applicants be given the concession of anticipatory bail.

4. On the otherhand, Ld. PP for the State has submitted that the applicants and others have formed a gang and they had been alluring the innocent persons of the society to send them abroad and even charging huge money from them and complainant is one of the victim. Thus, it was submitted that since the present applicants alongwith others have cheated the complainant for sending his son Shivam to Canada and the present applicants had also taken Rs.12,87,018/- from the complainant but neither son of the complainant was sent to Canada nor his money was returned, as such, the applicants should not be given the concession of anticipatory bail.

5. On hearing these submissions of the respective counsels for the parties and as discussed above, there are clear cut allegations against the present applicants that they took Rs.12,87,018/- from complainant Raman Kumar Punj, for sending his son Shivam to Canada via Bangkok and Cambodia, but neither the son of the complainant was sent to Canada nor the above mentioned money was returned. Further, Ld. PP for the State has also stated at bar that as many as three more cases have been registered against the present applicants and others, on the same grounds at different police stations. At the same time, Ld. PP for the State has also submitted that a false was was registered by present applicant No.2 Harpreet Kaur against the complainant party vide FIR No.54 dated 28.07.2020 and inquiry was

duly marked and now cancellation report has been submitted before the Illaqa Magistrate. This being so, and as discussed above, since complainant Raman Kumar Punj has been cheated by the present applicants and others, on the pretext of sending son of the complainant namely Shivam to Canada, but he was never sent to Canada nor the money was returned, as discussed above and hence this Court feels that the complainant has been cheated by the present applicants and even money so paid to the applicants and others, is yet to be recovered from the applicants and for the said purpose custodial interrogation of the applicants is required and hence in these circumstances, this Court feels that the applicants do not deserve the concession of extraordinary relief of anticipatory bail. Accordingly, the bail application is hereby dismissed. Police file be returned and file of bail application be consigned to records after due compilation.

Pronounced.
Dated:27.07.2021

Raman Kumar
Stenographer G-I

(Amrinder Singh Grewal)
Sessions Judge, Kapurthala
(UID Code PB0037)