

In the Court of Sachin Sharma, Addl. Sessions Judge, Kapurthala

CNR No.PBKP01-004314-2018

BA No.1606 of 27.08.2018

Dated of Order: 30.08.2018

Gian Kaur, w/o Parkash Chand, r/o Village Mithapur, PS Division No.7,
District Jalandhar, Police Commissionerate Jalandhar.

.... Applicant/Accused.

Versus.

State of Punjab.

... Respondent/ State

FIR No.127 of 10.06.2018,
U/s 420 of IPC &
Section 13 of Punjab Prevention of Human Smuggling Act,
2012,
PS City, Kapurthala.

(Application for bail under Section 438 of Cr.P.C.)

Present: Sh.Rakesh Sharma, Adv., counsel for the applicant/ accused.
Sh.Arvind Sahai, Addl. Public Prosecutor for the State.

O R D E R

The present bail application has been moved by above named applicant/accused under Section 438 of Cr.P.C, pertaining to criminal case registered against her & others, vide FIR No. 127 of 10.06.2018, as stated

above.

2. The present FIR has been registered on the statement of one Kulwant Singh against the present applicant/accused, her husband Parkash Chand & son Makhan Singh, with the allegations that they have cheated the complainant for a sum of Rs.20,21,000/- on account of sending him abroad. Now, apprehending her arrest in this case, applicant/accused has moved this bail application *U/s 438 of Cr.P.C.*

3. Upon notice, learned Public Prosecutor for the State appeared. Police Record of the case has also been summoned.

4. I have heard learned counsel for the applicant/ accused, Addl. PP for the State and have gone through the record pertaining to this bail application, including police record, with their able assistance.

5. It is vehemently contended by the learned counsel for the applicant/accused that she has been falsely implicated in the present case. He further stated that a suit for recovery filed by the applicant/accused and complaint under Section 504, 506 of IPC & under the provisions of SC & ST are pending in the Courts at Jalandhar against the complainant and others. Moreover, she has been implicated in the present case, being the mother of the main accused/non applicant Makhan Singh, and she is an old aged lady. With these arguments, he prayed that the applicant/accused may be released on bail.

6. On the other hand, learned Addl. PP for the State has vehemently and strongly opposed the bail application and argued that there are serious allegations against the applicant/accused and others in the present case and as such, applicant/accused is not entitled to the

concession of bail. With these arguments, he prayed for dismissal of the bail application.

7. While taking into consideration the aforesaid facts & circumstances of the present case as well as the police record and contentions so raised by the learned counsel for the applicant/accused, if admitted to the extent that the amount in the FIR has been exaggerated by the complainant even then there are serious allegations against the applicant/accused, who also took the amount, and she failed to send the complainant to Canada, as agreed between them. Moreover, two other FIR's bearing no. 17 dated 24.01.2018 & bearing no.126 of 10.06.2018 have also been registered against the applicant/accused. Besides the aforesaid fact, recovery in the present case is yet to be effected. As such, this Court is of the view that no case is made out in favour of the applicant/accused for releasing her on bail. Accordingly, this bail application stands dismissed and disposed of. Anything said in this order shall not affect the merits of the main trial in any manner. Police record be returned and bail application file be consigned to Record-room.

Pronounced in open Court.
Dated: 30.08.2018
Kaushal

(Sachin Sharma)
Addl.Sessions Judge,
Kapurthala
UI Code – PB0519