

**In the Court of Dharminder Paul Singla, Addl. Sessions Judge,
Jalandhar [UID No.PB0083]**

CIS Case No.	BA-1922/2023
CNR No.	PBJL01-0004568-2023
Date of Institution	05.04.2023
Date of Decision	21.04.2023

1. Ashwani Sharma, aged about 56 years, son of Sh. Darshan Kumar Sharma, R/o H.No.556-B, Mota Singh Nagar, Jalandhar.
2. Shaifali Sharma w/o Ashwani Shama, aged about 49 years, R/o H.No.556-B, Mota Singh Nagar, Jalandhar.

.....Accused/applicant.

Versus

State of Punjab

.....Respondent.

FIR No.43, dated 13.3.2023,
U/Sec. 406/420/120-B of IPC,
Police Station Divn. No.7, Jalandhar.

First Application for bail under Section 438 Cr.P.C.

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Present: Sh. Jatinder Sekhri, Advocate, for applicants/accused.  
Sh. Gurpreet Singh, Additional Public Prosecutor for the  
State alongwith S.I. Nirmal Singh.

**ORDER**

This order of mine shall dispose of first application for  
anticipatory bail under Section 438 Cr.P.C moved by accused/applicants

**Ashwani Sharma and Shaifali Sharma** in case FIR No.43, dated  
13.3.2023, for the offence U/Sec. 406/420/120-B of IPC, Police Station

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Divn. No.7, Jalandhar.

2. Perusal of the record reveals the fact that complainant Sarabjit Singh son of Mohar Singh has got registered the case against his wife Ridhima Sharma, Ashwani Sharma and Shaifali Sharma with the allegations that he was got married with Ridhima Sharma with the promise that she would take away the complainant to abroad, but accused have cheated to the complainant to the tune of Rs.24,28,200/-. Complainant also alleged that inquiry was marked to Anti Fraud Staff on his complaint, wherein Ashwani Sharma father-in-law and Sunil Sharma mediator came there and compromised the matter with the complainant that they would sent him abroad within 30 days, otherwise they would return the entire amount of the complainant. However two months have lapsed, but these persons have neither send him abroad and nor returned the money of complainant, rather further threatened him to cause monetary loss as well as to his life. On the basis of these allegations, FIR was registered and investigation is pending.

3. Learned counsel for the accused/applicants pressed for bail on the ground that the accused/applicants have been falsely implicated because the marriage took place between the daughter of accused/applicants with the complainant in the year 2018, but the complainant has failed to go abroad due to non-granting of Visa and clearance by the immigration authority. He further pressed that

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complainant has got registered false case against the accused/applicants, therefore, they be protected and prayed for anticipatory bail.

4. Learned Additional Public Prosecutor for the State opposed the bail application on the ground that the present accused/applicant Ashwani Kumar Sharma has got compromised the matter, though the complainant has moved complaint against all the three persons and these persons have cheated the complainant to the tune of more than Rs.24 Lacs and not fulfilled their promise and prayed for dismissal of bail application.

5. I have heard learned counsel for the accused/applicants as well as learned Public Prosecutor for the State and have perused the record carefully.

6. After giving my anxious thoughts to the rival submissions and perusal of record it has revealed the fact that complainant has levelled specific allegations against Ridhima Sharma in regard to the fact that she has got married with him under the pretext that she would took him abroad and complainant also spent amount through agent Harsimran Singh, but neither complainant has been taken to abroad and nor she has returned the money to complainant. When complainant moved the complaint then present accused/applicant Ashwani Sharma has got compromised the matter that they would send the complainant abroad within 13 days and if they failed to do so, then they would return the

amount of complainant, but the complainant has neither been sent abroad and nor his amount was returned to him. Accused/applicant alongwith their daughter Ridhia Sharma have cheated the complainant to the tune of more than Rs.24 Lacs under the pretext of false marriage. Keeping in view of these facts, no exceptional circumstances are made out in favour of accused/applicant. As such, in view of the seriousness of allegations and gravity of offence, accused/applicants does not deserves for any concession of anticipatory bail. Resultantly, the bail application moved by accused/applicants **Ashwani Sharma and Shaifali Sharma** for anticipatory bail is hereby dismissed. Police record be returned immediately, whereas bail application file be consigned to the record room after due compilation.

Pronounced:

Dated: 21.04.2023.

(Dharminder Paul Singla),  
Addl. Sessions Judge,  
Jalandhar.[UID No. PB0083]

rajesh\*\*

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Addl. Sessions Judge,  
Jalandhar, dt: 21.04.2023

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Present: Sh. Jatinder Sekhri, Advocate, for applicants/accused.  
Sh. Gurpreet Singh, Additional Public Prosecutor for the  
State alongwith S.I. Nirmal Singh.

Record produced. Arguments heard. Vide my separate  
detailed order of even date, instant bail application has been dismissed.  
Police record be returned immediately, whereas bail application file be  
consigned to the record room after due compilation.

Pronounced:

Dated: 21.04.2023.

(Dharminder Paul Singla),  
Addl. Sessions Judge,  
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