

**IN THE COURT OF DR. AJIT ATRI, UID NO. PB0440,
ADDITIONAL SESSIONS JUDGE, SAS NAGAR**

CNR No. PBSA0100-4802-2024

CIS No. BA-1915-2024

Date of Institution: 21.06.2024

Date of Order: 15.07.2024

Rajinder Kaur, aged about 25 years, wife of Jagpreet Singh, resident of Village Pawala, Tehsil Bassi Pathana, District Fatehgarh Sahib.

.....Applicant-accused.

Versus

State of Punjab.

.....Respondent.

FIR No. 382 dated 30.09.2023

Under Sections 406, 420, 120-B of IPC and Section 24 of Emigration Act (added lateron).

Police Station: Sohana, District SAS Nagar, Mohali.

**FIRST APPLICATION FOR GRANT OF REGULAR
BAIL UNDER SECTION 439 OF CR.P.C.**

Argued by: Mr. Karam Jot Singh Sandhu, Advocate for the applicant-accused.

Mr. P.P.S. Brar, Additional Public Prosecutor for the State assisted by Mr. Hardeep Singh Diwana, Advocate for the complainant.

ORDER

1. This order of mine shall dispose of the bail application under Section 439 of Cr.P.C. filed by the applicant for grant of regular bail.

2. Notice in the bail application was issued to the State and the learned Additional P.P. for the State has filed reply. Trial Court record was

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also summoned and perused.

3. It has been argued by the learned counsel for the applicant that as per the allegations, the amount of Rs.70 - 72 Lakh had been deposited in the account of the applicant. This amount has been credited from different accounts and as per the case of the complainant, he alleged only with regard to the amount of Rs.45 Lakh. There is no evidence of any immigration being carried out by the applicant. No cyber crime offence has been added in the case. The applicant is in custody since 13.10.2023. It will take time for the trial to conclude and no useful purpose shall be served by keeping the applicant behind the bars.

4. On the other hand, Learned Additional P.P. for the State assisted by the learned counsel for the complainant has opposed the bail application and submitted that the accused persons in a very planned manner have defrauded the complainant by alluring him to send abroad. The complainant paid huge amount of more than Rs.45 Lakh. It has come on the file from the account of the applicant that the amount of over Rs.70 Lakh had been deposited in her account. The applicant is not able to justify the purpose for deposit of such a huge amount, if she had not allured the complainant and the husband of the applicant has also been nominated in the case and his bail application had already been dismissed.

5. I have heard the learned counsel for the applicant, learned Additional P.P. for the State assisted by the learned counsel for the complainant and have gone through the file.

6. As per the case of the prosecution, FIR was registered on the complaint of Manpreet Singh with the allegations that applicant Rajinder Kaur had met him through Facebook and he had talked with her through Facebook only. She promised him to send him to Canada and she allured him and had received money from him to the extent of Rs.45,63,000/- upto 25.08.2023. She neither prepared the file of the complainant nor sent the complainant to Canada. It is alleged by the complainant that he never met Rajinder Kaur, but had talked to her only through Facebook. Inquiry into the complaint was conducted by the DSP, Kharar, who verified the facts and found that Rajinder Kaur had got transferred Rs.70-72 Lakh in her account. During inquiry, Rajinder Kaur had admitted that she has purchased various household articles, TV, mobile phones, furniture, car, jewelery etc. and also spent amount on the treatment of her son. About 234 grams of jewelery was also recovered and a Maruti Swift car was also recovered. She and her husband in a conspiracy with each other, had cheated the complainant.

7. The allegations coming on the file and from the inquiry made in the case, it is made out that it is the applicant, who has been instrumental in alluring the complainant and getting the money deposited in her account. The deposit of the money in her account as such, is not denied by the complainant, rather it is argued by the learned counsel for the applicant that it was for the purpose of the treatment of the son of the applicant. The plea taken by the applicant is not substantiated from any

evidence and there is nothing on record to show that the complainant had paid the amount for the purpose of medical treatment of the son of the applicant and other co-accused. The complainant has made specific allegations with regard to alluring him by the applicant through Facebook to send him to Canada and it is also the specific case of the complainant that he had deposited the amount of Rs.45,63,000/- for sending him abroad. The complainant, as per his allegations, never met the applicant and it was through Facebook only. The accused persons have defrauded the complainant in a very preplanned manner and it is not that the amount was deposited in one go, rather it is on different dates and it shows that the accused persons had gained trust of the complainant and then got the amount. Huge amount is involved in the case. The custody period itself will not be helpful to the applicant.

8. In view of the above discussion, the applicant is not entitled to the concession of bail and the bail application is dismissed being without merits. File be consigned to the record room. Record be returned.

Pronounced in Open Court.
Dated: 15.07.2024

Tajinder Singh

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Rajinder Kaur Vs. State of Punjab

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Mr. P.P.S. Brar, Additional Public Prosecutor for the State assisted by Mr. Hardeep Singh Diwana, Advocate for the complainant.

An application for making necessary addition in the head note of the bail application has been moved by the counsel for the applicant. It has been pleaded in the application that the applicant has filed the bail application under Sections 406, 420, 120-B of IPC, but lateron, the prosecution has added the offence under Section 24 of Emigration Act, 1983 and now the applicant came to know about the addition of the said offence and as such, the applicant wants to add the said offence in the head note of the bail application.

Learned Additional PP for the State has accepted the notice in the application and stated at the bar that he has no objection, if the offence under Section 24 of Emigration Act be also added in bail application.

Heard. In view of the plea taken in the application by the applicant, the present application is allowed and the offence under Section 24 of Emigration Act is allowed to be added in the head note of the bail application. Amended head note of the bail application has also been filed.

Trial Court record is received and perused.

Arguments heard. Vide separate detailed order of even date, the present bail application of the applicant has been dismissed. File be consigned to the record room. Record be returned.

Pronounced in Open Court.
Dated: 15.07.2024

(Dr. Ajit Atri, UID NO. PB0440)
Additional Sessions Judge,
SAS Nagar.

Tajinder Singh

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