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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

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**CRM-M No.30383 of 2025
Date of decision: 07.07.2025**

Jatinder Kaur @ Aliya

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Kamal Narula, Advocate,
for the petitioner.

Ms. Himani Arora, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The instant petition had been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") through her Special Power of Attorney holder seeking pre arrest bail in case arising out of FIR No.85 dated 09.10.2024 registered under Sections 420 and 120-B of IPC and Section 13 of Punjab Travel Professionals (Regulations) Act, 2014 at Police Station Mallanwala, District Ferozepur.

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of a complaint lodged by the complainant Mukhtiar Singh alleging therein that the petitioner was a permanent resident of Dubai. She was

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acquainted with them. In the year 2022, she had visited India and on asking of the complainant had assured to settle his son in Dubai. His son had gone to Dubai on tourist visa subsequently and came back to India after spending sometime there. The petitioner also assured the complainant to settle his son in New Zealand or Italy. She visited India in the month of May 2024 and induced the complainant to part with a sum of Rs.10 lakhs on the pretext that she would settle his son in New Zealand or Italy. The co-accused who are her brother and mother respectively received a sum of Rs.5 lakhs on behalf of the petitioner and another sum of Rs.5 lakhs was directly paid to her. The complainant alleged that on 12.06.2024, the petitioner sent his son to Delhi Airport by representing that he would be taken abroad but false and fake visa and air tickets were given to him with dishonest intention due to which he could not go abroad. The petitioner along with her family members left her residence and did not attend to the calls made by the complainant. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending her arrest, the petitioner moved an application for grant of pre arrest bail which was dismissed by the Court of learned Additional Sessions Judge, Ferozpur vide order dated 17.01.2025.

3. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case. She was having family relations with the complainant and on his asking had got issued visa for his son for

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Dubai. His son, however, could not even reply to the questions put by the officials of the concerned Embassy and that is why he was sent back from Dubai. She had never given any assurance for sending the son of the complainant to New Zealand or Italy. She did not receive any money from the complainant. She is ready to join the investigation. Her custodial interrogation is not required neither any recovery is to be effected from her. The co-accused has been extended benefit of bail. Accordingly, it is urged that she deserves to be extended benefit of pre arrest bail.

4. Status report has been filed. It is argued by learned Assistant Advocate General, Punjab that there are serious and specific allegations against the petitioner. She induced the complainant to part with a huge amount of money and misappropriated the same on the pretext of sending her son to Italy or New Zealand. She had criminal antecedents as one more case of similar nature is pending against her. The petition is not maintainable as it has been filed through Special Power of Attorney. No exceptional and extraordinary circumstance for grant of bail is made out. It is, therefore, argued that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner is alleged to have duped the complainant of a sum of Rs.10 lakhs on the pretext of sending his son abroad. She has criminal antecedents as one more case of similar nature has been filed

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against her. She is staying abroad presently and filed this petition through a Power of Attorney holder. The case of co-accused cannot be stated to be at parity with the present petitioner since the allegations against her are grave in nature. For conducting proper and thorough investigation in the matter, the custodial interrogation of the petitioner is must. In the present case, no exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANISHA BATRA)
JUDGE

07.07.2025
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No