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

**CRM-M-61533-2024
Decided on: 11.03.2025**

Harleen Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Bipan Ghai, Senior Advocate with
Mr. Nikhil Ghai, Advocate and
Mr. Nikhil Thamman, Advocate,
for the petitioner.

Mr. Sukhdev Singh, A.A.G, Punjab.

Mr. Rishabh Bhandari, Advocate,
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
92	22.08.2024	NRI, District SAS Nagar, Mohali	406, 420 IPC and Section 24 of Immigration Act

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. In paragraph 13 of the bail petition, the accused declares that he has no criminal antecedents.

3. The facts and allegations are being taken from the status report dated 11.01.2025 filed by the State, which reads as follows:

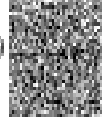
“3. That with regard to the subject matter of the present petition, it is submitted case/FIR No.92 dated 22.08.2024 under Sections 406, 420 IPC, under section 24 Immigration Act was registered at Police Station NRI, District SAS Nagar against Vishal Sharma and Harleen Kaur (the present Petitioner) after preliminary enquiry into the complaint of Tirath Singh, inter-alia, alleging that he has been duped to the tune of Rs.30 lacs by Jujhar Singh, Harleen Kaur (the present Petitioner) and Vishal Singh, Travel agent M/S Genius Travel, Delhi on the pretext of sending him to America and instead got him trapped in Vietnam. It is alleged that he is



educated but unemployed and thus wanted to go abroad. His co-villager Jujhar Singh introduced him to Vishal Singh who is travel agent having head office in Delhi. He expressed desire to meet Vishal, whereupon Jujhar Singh and Vishal called him to a hotel in Zirakpur. At that time, he was accompanied by his two friends. Vishal was accompanied by his assistant Harleen Kaur (the present Petitioner). During meeting Vishal assured him that he would send him to America in 20-25 days and demanded a sum of Rs. 35 lakhs. Thereafter, Harleen Kaur (the present Petitioner) kept calling again and again informing him that they were sending a group to America and he would also be sent in that group. He agreed to the same and as per the asking of Harleen Kaur (the present Petitioner), he gave his documents and deposited a sum of Rs. 5 Lakhs in the account of Harleen Kaur (the present Petitioner), Initially they informed him that they would send him to America after getting the Schengen visa but it was never issued and rather refused. Thereafter, the accused got him into their talks and obtained another sum of Rs. 11 Lacs from him. Thereafter, they sent him to Bombay and obtained a sum of USD 1000 from him. Thereafter, they sent him to Bangkok and then, called him back to Delhi. They also showed him a forged air ticket of Istanbul in order to coax him into paying the remaining money and accordingly, the complainant paid total sum of Rs. 22 Lacs 50 Thousand to them. Harleen Kaur (the present Petitioner) has also issued security cheques to the complainant and took guarantee that in case, the complainant is not sent to USA then a sum of Rs. 10 Lakhs would be refunded to him. Thereafter, they represented that they would send him through a different route. He was misled. He was thereafter sent to Laos and after one month eight days, he was sent to Bangkok and in the meantime, they kept on demanding money and obtained a sum of USD 2000 from him. Thereafter, he was taken to Cambodia, where he was harassed and thereafter, he was sent to Vietnam, where Vishal brought his passport. He with great difficulty got back his passport and returned home. Accordingly, appropriate legal action was sought against the accused.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and her family.

5. The State's counsel and counsel for the complainant opposes bail and refers to the status report dated 03.03.2025.



6. It would be appropriate to refer to the following portions of the status report dated 03.03.2025, which read as follows:

“6. That during interrogation, the petitioner disclosed that she was employed at the office of Genius Tour and Travels, located at Cannought Place, Block-A, near SBI Bank, New Delhi under the accused Vishal Sharma. She further disclosed that she had provided her bank account details to the complainant, who thereafter transferred Rs.50,000/- into her account on 17.09.2023, followed by Rs.4,50,000/- on 18.09.2023, Rs.5,00,000/- on 04.11.2023, Rs.6,00,000/- on 18.12.2023 and Rs.6,50,000/- on 13.12.2023, amounting to a total of Rs.22,50,000/-. She further stated that all these amounts were transferred into her accounts at the Bank of Maharashtra, Sector-82, Mohali and Axis Bank, Landran Road, Mohali. The petitioner further disclosed that these payments were made by the complainant to her accounts at the direction of the accused Vishal Sharma and she subsequently transferred the funds to Vishal Sharma’s bank account through Google Pay and RTGS, except for Rs.50,000/-, which she handed over to him in cash. Furthermore, she stated that at the direction of the accused Vishal Sharma, she had also issued security cheques in her name to the complainant.

7. That thereafter, during investigation, the bank records and statements of the petitioner for account No. 92301001xxxxx of Axis Bank, Branch Landran, Kharar and account No. 60357xxxxx of Bank of Maharashtra, Branch Sector-82, Mohali, were obtained from the concerned banks and examined wherein, it came to light that on different dates, funds were transferred from the petitioner's accounts to the account of the accused Vishal Sharma and his company.”

REASONING:

7. Petitioner is a young girl of 21 years and she is employee of main accused and para No. 7 of the reply dated 03.03.2025 reflects that some funds were transferred to her account. Keeping in view the fact that petitioner is a girl and she is only an employer, she makes out a case for bail.

8. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

9. Given the above, the penal provisions invoked coupled with the prima facie



analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

10. The investigation indicates that the petitioner is not the main accused, so the petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. This order is subject to the petitioner's complying with the following terms.

14. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

15. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.



16. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

17. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

18. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

19. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

20. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

11.03.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.