

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

2025:PHHC:074386



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CRM-M-30266-2025  
Date of decision:28.05.2025

Harpreet Kaur

... Petitioner

Vs.

State of Punjab

... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Arpan Sabharwal, Advocate for the petitioner.

...

**Manisha Batra, J. (Oral).**

1. The instant petition has been filed under Section 482 of the BNSS seeking grant of anticipatory bail to the petitioner in case arising out of FIR No.26, dated 27.03.2025, under Section 406, 420 IPC and Section 13 of the Punjab Travel Professional Act, registered at Police Station Begowal, District Kapurthala.

2. The aforementioned FIR has been registered on the basis of a complaint lodged by complainant – Kuljit Kaur alleging therein that the petitioner had represented to the complainant that she along with her mother-in-law used to send people abroad in a legal way by securing visas for EI-Salvador by firstly sending them to Maxico and then from Maxico to America. She also induced the complainant that she could get her son settled in USA. She also introduced the complainant with one Jaswinder Singh by showing that he was the main agent, who would make arrangements for sending her son to America. It was also represented to

her that her son as well as herself could be sent to USA on spending an amount of Rs.42 lakhs. On her asking, the complainant initially gave a sum of Rs.5 lakhs in advance and the remaining money was to be taken on arrival in the desired country. The petitioner got transferred amounts of Rs.5 lakhs, Rs.3 lakhs and Rs.2 lakhs respectively from the bank account of the complainant/her family members in January, 2023. In March, 2023, she sent a ticket from Chandigarh to Delhi and called son of the complainant via flight for getting his fingerprints. At that time also, on the pretext of getting dollars issued in his name, she got transferred an amount of Rs.4.50 lakhs in her bank account. Subsequently also money was given to her. The son of the complainant was sent to Azerbaijan in April, 2023. On his reaching there, more money was taken by the petitioner and the co-accused on one pretext or the other. The petitioner, however, did not send her son to USA and he was trapped at other places till long time. When the complainant questioned the petitioner, she told her that Jaswinder Singh had a matrimonial dispute with his wife and had blocked all the money. It was with great difficulty that her son could come back to India in July, 2023. The money given by the complainant was also not returned and wrongful loss was caused to her and her family. 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 has been dismissed by the Court of learned Additional Sessions Judge, Kapurthala vide order dated 12.05.2025.

3. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case. In fact she herself is a victim. Husband of the complainant was engaged in business of sending people abroad. Husband of the petitioner lives in France and wanted to move to Canada. Even the petitioner also wanted to settle in Canada. Surinderjit Singh, husband of the complainant, who is a police official had induced her to settle her husband and herself in Canada by saying that he was running a travel agency in the name of his wife i.e. the complainant and his daughter. He has taken an amount of Rs.21 lakhs from the petitioner through one Karnail Singh but failed to send her abroad. When the petitioner asked the complainant and her husband to return the amount, they had given back an amount of Rs.16,88,000/- to her and instead of returning the remaining amount had falsely implicated her in this case. It is argued that she has been made a scapegoat. She is a housewife. She has minor children to take care. Her custodial interrogation is not required. No recovery is to be effected from her. She is ready to join the investigation. It is, therefore, urged that she deserves to be extended the benefit of pre-arrest bail.

4. Notice of motion.

5. Ms. Sakshi Bakshi, learned AAG, Punjab accepts notice and submits that she is ready with the arguments. It is submitted by her that there are serious and specific allegations against the petitioner, who had induced the complainant to part with a sum of Rs.20,38,000/- on the pretext of sending her son and herself abroad but instead thereof, her son

has been send to Azerbaijan, wherein he was kept for long time. He was then sent in illegal manner to some other country and had come back with great difficulty. There is documentary proof with regard to credit of an amount of Rs.16,88,000/- in her own bank account. For conducting thorough investigation in the matter, custodial interrogation of the petitioner is must. It is, therefore, argued that the petition does not deserved to be allowed.

6. This Court has heard the rival submissions made by learned counsel for the parties carefully.

7. As per the allegations, the petitioner had induced the complainant to part with a sum of Rs.20,38,000/- on the pretext of sending her son to USA but he was sent to a small country on tourist visa and was left there and it was by making his own efforts that he could come back. Admittedly, an amount of Rs.16,88,000/- was deposited in the bank account of the petitioner from the bank account of complainant/her family members, which is prima facie proves the allegations as levelled in the FIR. The case is still at its nascent stage. For conducting thorough investigation in the matter, the custodial interrogation of the petitioner is must. The powers under Section 482 of BNSS are to be exercised in extraordinary and sparing circumstances. More so, custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 482 of BNSS. Many useful information can be disinterred during custodial interrogation. Keeping in view the discussion as made

above, this Court is of the considered opinion that no extraordinary or sparing circumstance entitling the petitioner to seek concession of pre-arrest bail has been made out.

8. Accordingly, finding no merit, the petition is dismissed.
9. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.
10. Pending application(s), if any, shall also stands disposed of.

**28.05.2025**

*harjeet*

**(MANISHA BATRA)  
JUDGE**

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No