

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-22633-2015

Date of decision: 03.08.2015

Sukhdev Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

1. *Whether Reporters of the local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

PRESENT: Mr. JBS Gill, Advocate for the petitioner.

R.P. NAGRATH, J.

Prayer in the instant petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in FIR No. 70 dated 28.05.2014 registered under Sections 420/406 IPC at Police Station Mukerian, District Hoshiarpur.

I have heard learned counsel for the petitioner at considerable length and gone through the paper-book.

The son of complainant-Baldev Singh passed his 10+2. For seeking green pasture for his son, the complainant met the petitioner. The petitioner told him that he and his friend Jaspal Singh are engaged in the business of sending people abroad.

The complainant along with Parveen Kumar S/o Parmodh

Singh resident of Khanpur, talked to petitioner on 16.07.2011 in this regard and the petitioner demanded an amount of ₹ 16 lacs for doing the work. The petitioner along with Jaspal Singh and his wife Palwinder Kaur, came to the house of complainant on 25.07.2011 and took an amount of ₹ 6,23,000/- in cash and passport of his son. On 30.07.2011 also, the petitioner along with Jaspal Singh and his wife Palwinder Kaur came to the house of complainant and an amount of ₹ 3 lacs was paid to them by the complainant. Another amount of ₹ 1 lac was also taken by them after a gap of one month.

On 27.08.2011, the petitioner and Jaspal Singh aforesaid came to the complainant's house asking for more amount. The petitioner and Jaspal Singh gave two account numbers as specified in the FIR of ICICI and HDFC Banks respectively in which certain amounts were deposited. These accounts were in the name of Jatinder Pal Singh where certain amounts were again deposited.

An enquiry was conducted into the complaint dated 11.11.2013, by the Economic Wing of police and after thorough enquiry, the FIR was registered on 28.05.2014. In the said enquiry allegations against Jatinder Pal Singh and wife of Jaspal Singh, namely; Palwinder Kaur *prima facie* were not made out but it was found that complainant was cheated of the total amount of ₹ 14,17,000/-.

Learned petitioner's counsel contends that wife of the petitioner made a representation dated 28.07.2014 for conducting an enquiry which was held by Superintendent of Police (H), Hoshiarpur, who submitted his report dated 20.10.2014, giving a clean chit to the

petitioner. It was observed by Superintendent of Police (H), Hoshiarpur that earlier enquiry was not conducted on the basis of facts. It is, therefore, submitted that a Senior Officer having held the enquiry, the petitioner has a good case.

I am unable to agree with the aforesaid contention of learned counsel for petitioner as the enquiry once held before registration of case, the second enquiry and that too without the directions of Director General of Police, may not be permissible. Statement of Pawan Kumar one of the witness in whose presence the money was paid was also recorded under Section 161 Cr.P.C. Moreover, it was also the case of petitioner that the Senior Superintendent of Police, did not agree with the enquiry report submitted by Superintendent of Police (H), Hoshiarpur. If that be so, the said enquiry report cannot be helpful to the petitioner.

In fact there are direct and serious allegations against the petitioner for defrauding the complainant with huge amount, along with his companions. The cheating of innocent people by so called travel agents is widespread and on the rise. I find that facts of the instant case do not bring any extraordinary circumstance for extending the concession of pre-arrest bail to the petitioner.

Dismissed.

The observations made in this order shall, however, have no bearing on the merits of prayer for regular bail that may be filed after the petitioner surrenders.

August 03, 2015
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(R.P. NAGRATH)
JUDGE