

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

(207)

CRM-M-28765-2015

Decided on: October 08, 2015.

Lov Kumar

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. L.S. Lakhanpal, Advocate, for the petitioner.

Mr. Gazi Mohammad, DAG, Punjab.

Mr. A.K. Walia, Advocate, for the complainant.

M.M.S. BEDI, J (ORAL)

Petitioner seeks concession of pre-arrest bail in a case registered at the instance of Gurvinder Singh Rehal alleging that he had given Rs.10 lacs to the petitioner for arranging Visa for him to go to U.S.A. However, the petitioner neither arranged Visa nor returned the amount back.

After hearing learned counsel for the petitioner and going through the record, it is apparent that the petitioner and the complainant are closely associated to each other and they had earlier gone together to other countries i.e. Thailand and Dubai.

Learned counsel for the complainant has intervened to oppose the application for bail contending that the petitioner had persuaded the complainant to go to said places with an assurance that visit to few countries would facilitate the grant of Visa for America.

Pursuant to the interim order dated 27.08.2015, the petitioner has joined investigation. The dispute between the complainant and the

petitioner appears to be pertaining to some money transactions. It will certainly be a debatable issue during the course of trial.

I have considered the facts and circumstances of the case and I am of the opinion that liability of the petitioner is civil as well as criminal liability. Whether the petitioner from the very beginning had intention to cheat the complainant will certainly be a debatable issue.

Learned counsel for the complainant has also submitted that the petitioner had earlier also played similar fraud with Manohar Lal and Sangat Singh who had been paid their money back and the matter was compromised.

Perusal of the police record indicates that when till date the statements of said persons has not been recorded under Section 161 Cr.P.C as such the arguments raised by the complainant seem to be not of much relevance.

The petitioner having joined investigation, without prejudice the rights of the complainant to recover any amount due, the petition is allowed. It is ordered that in case of arrest of petitioner, he will be released on bail to the satisfaction of the arresting officer subject to the following conditions:

- (1) Petitioner will not tamper with the evidence or hamper the investigation in any manner;
- (2) Petitioner will not leave India without the permission of the Court; and
- (3) Petitioner will not commit any similar offence of which he is accused of, during pendency of the trial.

In case of any such eventuality, it will be open to the prosecution agency or the complainant to approach this Court for cancellation of the bail.

(M.M.S. BEDI)
JUDGE

October 08, 2015
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