

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-37013 of 2014 (O&M)
Date of Decision : 20.08.2015

Sumit Bali

.....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. Ram Bhatia, Advocate
for petitioner.

Mr. Gazi Mohd., DAG, Punjab.

R.P. Nagrath, J. (Oral)

Prayer in the instant petition is for grant of anticipatory bail under Section 438 Cr.P.C. in FIR No. 7 dated 07.02.2014 for offences under Sections 406 and 420 of the Indian Penal Code (IPC), registered at Police Station Kalanour, District Gurdaspur.

Facts of the case, briefly, are that a complaint dated 22.10.2013 was made by Ranjodh Singh-complainant against the petitioner that he has been cheated of the huge amount by the travel agent on the pretext of sending abroad his son on work permit. The petitioner assured to get the work done on payment of ₹ 10 lacs but the matter was ultimately settled at ₹ 7 lacs. An amount of ₹ 1 lac was initially paid in cash and another amount of ₹ 2.10 lacs was transferred on 09.09.2013 in the HDFC account of the petitioner. Another sum of ₹ 3.90 lacs was paid to the petitioner on 10.09.2013 and on the same day petitioner got

the Visa of son of the complainant for Moscow and assured that from Moscow the son of complainant would be sent to Germany. It was stated that son of the complainant was sent to Moscow in an illegal way for which he was detained by the Moscow police for 20 days and thus suffered great humiliation and harassment. When complainant tried to speak to the petitioner telephonically he switched off his mobile phone. The matter was enquired and it is found that by making forged identity card the son of the complainant was sent to Ukraine where he was arrested by the police and remained in jail for 35 days and ultimately deported back to India. It was after the thorough probe that FIR was registered on 07.02.2014.

Learned counsel for the petitioner submitted that terms of agreement between the parties stood satisfied after son of the complainant departed from the Delhi Airport for Russia and was also handed over the return ticket. It was denied that the petitioner ever assured the complainant that Simranjit Singh would be sent to Germany on work permit. In fact son of the complainant tried to make illegal entry to Ukraine and having remained unsuccessful the complainant intends to seek return of ₹ 2.10 lacs. It is denied that any additional amount was paid to the petitioner other than ₹ 2.10 lacs through RTGS in the account of petitioner.

In the enquiry it was found that from Moscow where son of the complainant was detained for 20 days, effort was made to send him to Ukraine by train where he was arrested and detained in jail. The FIR having been registered after a thorough

probe and there are witnesses to support the aforesaid version. These allegations would make the case quite serious. The present is another instance where innocent persons seeking greener pastures abroad are being duped by the travel agents. There is no offer by the petitioner to return the money to the complainant.

I find in the circumstances of the case as discussed above the petitioner to be not entitled to extraordinary concession of anticipatory bail. The instant petition is dismissed. The observations made in this order would not prejudice the merits of the application for regular bail whenever filed.

August 20, 2015
jk

(R.P. NAGRATH)
JUDGE