

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-37559 of 2015 (O&M)
Date of decision: November , 2015

Harsh Chadda

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Ms. Rishma Verma, Advocate for the petitioner.
Ms. Rajni Gupta, Addl. Advocate General, Punjab.

Rajan Gupta, J.

This is a petition under Section 438 Cr.P.C. seeking pre-arrest bail in a case registered against the petitioner under Sections 406 & 420 IPC at Police Station Division Amloh, District Fatehgarh Sahib, vide FIR No.32 dated 10.04.2015.

Learned counsel for the petitioner submits that petitioner has nothing to do with the alleged offences and he has been implicated falsely in the present case. Thus, petitioner deserves the concession of pre-arrest bail.

Prayer has been opposed by learned State counsel on the ground that allegations against the petitioner are serious. He alongwith co-accused has duped the complainant of huge amount on the pretext of sending his brother abroad. Thus, petitioner does not deserve the concession of pre-arrest bail.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

FIR was lodged by complainant Gurmeet Singh alleging that his younger brother went to Saudi Arabia in February, 2012 and came back to India in September, 2012. His brother Kamaljit Singh wished to go to Australia. For that purpose, he contacted Gurbachan Singh, brother of his brother-in-law. In June 2014, Gurbachan Singh approached him with co-accused Sukhjit Kaur Garcha. Both of them claimed to be the travel agents and demanded Rs.8,50,000/- for sending his brother abroad. At that time complainant paid Rs.1.00 lac to them. After some time, another Rs.50,000/- was given. On 17.7.2014, accused assured the complainant that they had obtained tourist visa for his brother and at that time they took Rs.5.00 lacs from him and asked him to take a ticket for his brother for Australia. On 23.7.2014, complainant got a ticket booked for his brother in Malaysia Airlines. On 25.7.2014, complainant accompanied his brother to Delhi Airport but the Airport authorities sent back his brother on the ground that he did not have a valid visa. When complainant contacted the accused, they again asked him to book a ticket. However, his brother was not allowed to fly and was off loaded.

Keeping in view nature of allegations, petitioner is not entitled to concession of pre-arrest bail. When accused neither fulfilled their promise nor returned the money, complainant lodged FIR against them. Allegation is that petitioner alongwith co-accused cheated the complainant and induced him to part with money. Besides, question of

authenticity of visa needs to be probed. Custodial interrogation of the petitioner may be necessary to take the investigation to its logical end. Petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

November , 2015
'Rajpal'