

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

CRM-M-43431-2015

Date of decision: December 22, 2015

Harvinder Pal Singh @ Lalli

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sarbjit Singh, Advocate for the petitioner.

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 Section 420 IPC and Section 13 of the Punjab Prevention of Human Smuggling Act, at Police Station Contonment, District Amritsar City, vide FIR No.198 dated 19.8.2015.

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. He submits that there is delay of 3½ years in registering the FIR. Thus, petitioner deserves concession of pre-arrest bail.

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

FIR was registered on the complaint of Sukhdeep Singh son of Harjit Singh alleging that co-accused Sachin Arora introduced the petitioner with the complainant and his relatives saying that he had been running immigration company, of which the petitioner, his wife Baljit

Kaur and Sachin Arora are partners. They allured complainant and his relatives to send them abroad, for which they demanded Rs.17.00 lacs. The complainant gave Rs.15.00 lacs and his relatives also gave Rs.12.00 lacs each i.e. total Rs.39.00 lacs in the presence of Resham Singh and Gurcharan Singh. Accused also executed an agreement on 23.2.2011 in this regard. They also obtained documents such as passport etc. and assured that they would send them abroad in June, 2011 and would charge rest of the money after obtaining their visa. After waiting for some time, when complainant contacted the accused, they handed over a fake visa to him.

Keeping in view the allegations against the petitioner and co-accused, I am of the considered view that petitioner is not entitled to concession of pre-arrest bail. They have grabbed a huge amount of Rs.39.00 lacs of the complainant and his relatives. There are serious allegations of cheating and fraud against them. Custodial interrogation of the petitioners may be necessary for effecting recovery of money and to take the investigation to its logical end. Petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

December 22, 2015
'Rajpal'