

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

**CRM No. M-7288 of 2015
DECIDED ON: JULY 20, 2015**

PURAN CHAND

.....PETITIONER

VERSUS

RAGHUBIR SINGH AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH.

- 1. Whether Reporters of 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. N.L. Sammi, Advocate
 for the petitioner.

JASPAL SINGH, J

Challenge in this petition is to order dated September 03, 2014 passed learned Sub Divisional Judicial Magistrate, Rajpura (Annexure P-2) whereby, complaint of the petitioner has been dismissed as well as order dated November 26, 2014 passed by learned Additional Sessions Judge, Patiala (Annexure P-3) whereby revision preferred against order dated September 03, 2014 was affirmed and revision petition was dismissed.

2. Shortly put the case of petitioner is that he intended to settle his son Sandeep Singh in USA and for that purpose he took up the matter with his relatives Balwinder Singh-respondent No.6 and his wife Kailasho-respondent No.7 in the month of October 2005 who further introduced him to respondents No. 1 to 5. The respondents assured him to send his son abroad (USA) on receipt of a sum of ₹15 lacs inclusive of all the expenses i.e. Visa, Air Ticket as well as work permit for a period of 5 years. But at that time, petitioner showed his inability to

part with an amount of ₹15 lacs in lump-sum. However, he undertook to pay the said amount in installments. On November 07, 2005, all the respondents are alleged to have visited the house of petitioner at village Jabbo Majra and received a sum of ₹5 lacs in the presence of Sunil Kumar and Satpal alongwith passport, photocopy of matriculation certificate as well as copy of ration card and also obtained the signatures of Sandeep Singh on blank papers as well as on proforma. A sum of ₹2 lacs was paid subsequent thereto, in the presence of Satpal. Whereas petitioner undertook to pay the remaining amount of ₹3 lacs at Delhi Airport when Sandeep Singh would take flight for USA. Further allegation contained in the complaint is that on May 30, 2007 respondents had taken Sandeep Singh with them to Delhi Airport and a demand of sum of ₹3 lacs was raised by respondents No.1 to 5 but when he asked them to show the necessary documents including Visa, Air Ticket and other relevant documents for sending his son Sandeep Singh to USA then they started making false pretext and requested him to wait for some time. Again in the last week of May 2008, respondents have given assurance to take his son USA via Malaysia, Thailand, Singapore and Indonesia in connivance with their agents and received another installment of ₹3 lacs but he was not sent to USA for which they had received ₹10 lacs. Sandeep Singh returned to India on June 25, 2008 and thereafter, respondents neither sent Sandeep Singh to USA nor returned the amount of ₹10 lacs, as a result whereof, instant complaint was filed.

3. While assailing the impugned order(s) passed by both the courts below, it has been ebulliently argued by learned counsel for the petitioner that the same are against the evidence available on file and settled cannons of law. In fact, evidence produced by petitioner is un rebutted and unchallenged and has been wrongly ignored by both the courts below. A glance at the contents of complaint

as well as evidence clearly makes out a non-cognizable offences falling within the purview of Sections 406, 420, 467, 468, 471, 506 and 120-B IPC. There are specific and clear cut allegations unfolded by the petitioner that though respondents in connivance with each other received a sum of ₹10 lacs from the petitioner but neither the said amount was returned nor his son Sandeep Singh was sent to USA as promised by them. Rather, he was taken to some other countries i.e. Malaysia, Thailand, Singapore and Indonesia and after a short span of time he returned to India in the month June 2008. Not only this when he demanded the return of amount from the respondents they intimidated him and extended threats that in case he raised the demand of amount he will be done to death. Even, signatures of son of the petitioner were also obtained by respondents on blank papers. So, in view of unrebutted and unchallenged evidence which clearly make out a non-cognizable offence, the impugned order(s) are not sustainable in the eyes of law and are liable to be set aside by way of acceptance of instant petition.

4. This Court has given an anxious thought to the submissions made by learned counsel for the petitioner and have meticulously gone through the impugned orders but this Court does not find any merit in the contentions raised by learned counsel for the petitioner.

5. It is emerged on record that though Sandeep Singh son of the petitioner returned to India in the month of June 2008 but there is nothing on record to suggest that as to why he remained tight lipped for a period of 5 years. Instant complaint was preferred on November 15, 2013 without explaining delay. Even during the said period i.e. prior to the lodging of complaint the matter was not even reported at any point of time to the police. There is also no explanation as to who and in what manner petitioner had arranged such a huge amount of ₹10 lacs

for making payment thereof to the respondents. Thus, this court is of the considered view that there is no infirmity or illegality in the impugned orders.

6. In the light of what has been discussed above, instant petition is dismissed being devoid of merits.

JULY 20, 2015
SHAM

(JASPAL SINGH)
JUDGE