

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

**CRM-A No.1816-MA of 2015 (O&M)
Date of Decision: May 13, 2016**

Gurpreet Singh

.... Applicant

vs.

Narinderpal Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Inder Pal Singh, Advocate for the applicant.

- 1. Whether Reporters of Local Newspapers 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?*

Kuldip Singh J.(Oral)

CRM-36352-2015

There is delay of 207 days in filing the application for grant of leave to appeal.

For the reasons mentioned in the application, delay of 207 days in filing the application for grant of leave to appeal is condoned, subject to all just exception.

Application stands disposed of.

Main Case

A criminal complaint filed by the complainant under Section 406 and 420 IPC was dismissed by the learned Judicial Magistrate 1st Class, Patti, on 23.01.2015.

It is claimed by the complainant that he had given ₹2,50,000/- to the accused for sending him to Singapore but he was provided defective VISA and therefore, he returned to the country after lot of harassment. The complainant also claimed that he and his father also paid ₹25,000/- to the accused and his partner

Satnam Singh Kannu. He also claimed that said Satnam Singh Kannu also obtained ₹50,000/- from his house on 26.05.2010. ₹1,50,000/- were paid on 03.06.2010 by the father and paternal uncle of the complainant to the accused. On 07.06.2010, the accused sent the complainant to Fing-Ming Company at Singapore but he was not provided work. He had to come back after lot of harassment.

I have heard learned counsel for the applicant and have also carefully gone through the case file.

It comes out that before the lower court, it came out that the said Satnam Singh Kannu, to whom the part of money was paid, was not made accused. The said Satnam Singh Kannu is alleged to have been paid ₹75,000/- in two installments. The lower court held that the ingredients of Sections 406 and 420 are not made out.

It also comes out that the complainant as promised was sent to Singapore. In fact, he was sent to Singapore by granting one year work permit with further instructions to apply for work permit within 14 days after landing in Singapore. Ex.DA further reveals that the complainant with his own free will returned to India by suffering a statement before the company. Therefore, the promise made by the accused was fulfilled. There is nothing on file to show that any defective VISA was provided.

It also comes out that some amount was also deposited in the account of one M Ravi on 06.07.2010, 4.6.2010, 3.6.2010 and 27.05.2010. Said M Ravi was also not made accused. Therefore, it also cannot be said that money was paid to the accused.

The lower court after discussing the evidence came to the conclusion that the alleged offence is not made out. Therefore the accused was acquitted of the charges framed against him.

I am of the view that the evidence has been well appreciated by the lower court. The judgment of the lower court cannot be called illegal or perverse.

Hence, the application for grant of leave to appeal is dismissed.

May 13, 2016
sarita

(KULDIP SINGH)
JUDGE