

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

(212)

CRM-M-1539-2016

Decided on: February 25, 2016.

Kuldeep Singh

.... Petitioner

Versus

State of Punjab

..... Respondent

(2)

CRM-M-3126-2016

Decided on: February 25, 2016.

Tejinder Singh

.... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Vipin Mahajan, Advocate,
for the petitioner in CRM-M-1539-2016.

Mr. D.K. Bhatti, Advocate,
for the petitioner in CRM-M-3126-2016.

Mr. Jashan Preet Singh, AAG, Punjab.

Mr. Anil Kumar Sagar, Advocate, for the complainant.

M.M.S. BEDI, J (ORAL)

This order will dispose of two applications for grant of pre-arrest bail, one (CRM-M-1539-2016) filed by Kuldeep Singh and the other (CRM-M-3126-2016) filed by Tejinder Singh.

The FIR was registered at the instance of Harjinder Singh alleging that petitioner Kuldeep Singh had persuaded the complainant to

pay a sum of Rs. 16.64 lacs with a false promise that he would be sent to Australia. So far as allegation against petitioner Tejinder Singh is concerned, he is alleged to be Manager of M/s Mile Stone Education and Immigration Services. As per the allegations of the complainant, petitioner Kuldeep Singh had also been agent of said company.

Learned counsel for the petitioner Kuldeep Singh has vehemently contended that since nephew of Kuldeep Singh had been sent abroad by the assistance of Tejinder Singh, he had only introduced the complainant to Tejinder Singh and that it is Tejinder Singh who had received the amount. He has further submitted that amount of Rs. 7 lacs stands returned to the complainant by a University of Australia.

Learned counsel for the petitioner Tejinder Singh has urged that it is Kuldeep Singh who has actually received the money from the complainant with a promise to get admission for the complainant in an educational institution in Australia.

After hearing learned counsel for the petitioners, learned State counsel as well as learned counsel for the complainant and going through the record, it transpires that as per the allegations of the complainant and his brother Nishan Singh, amount of Rs.16.64 lacs has been paid to the petitioners on their asking by the complainant.

Learned counsel for the complainant has also argued that as a matter of fact one Nidhi Vashist had passed the IELTS and documents were presented before the Australian Embassy for her immigration on merit basis, but the documents were not accepted by the University of Australia.

Since both the petitioners are leveling allegations against each other of having received the money from the complainant with a promise to send the complainant abroad, it will not be appropriate for this Court to enter into the said controversy and liability of the petitioners. The liability of the petitioners is to be assessed on the basis of their interrogation which is required to be conducted. No extraordinary exceptional circumstances are found to exist to grant the concession of pre-arrest bail to the petitioners.

Dismissed.

This order will not prejudice the right of the petitioners to approach this Court again in case the matter is amicably resolved in future.

(M.M.S. BEDI)
JUDGE

February 25, 2016
harsha