

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-15511 of 2016 (O&M)
Date of Decision: 06.05.2016

Bajinder Singh @ Bajinder Kumar

--Petitioner

Versus

State of U.T., Chandigarh

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Sapan Dhir, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

Petitioner seeks the concession of pre-arrest bail in case F.I.R. No.154 dated 5.4.2016 under section 420 I.P.C, registered at Police Station, Sector 17, Chandigarh.

Counsel for the petitioner has been heard at length.

F.I.R came to be registered at the instance of Palwinder Singh who stated that to sustain his family he was doing welding works and on account of financial constraints was planning to go abroad. In the first week of July, 2014 he noticed an advertisement for procurement of visa for Malaysia. Such advertisement was given in Jagbani and Ajeet newspapers by G Enterprises, S.C.O. No.2441-42, Sector 22-C, Chandigarh. On establishing contact, he was informed that a work visa for Malaysia would be arranged for a total expense of Rs.2,75,000/- and out of which Rs.25,000/- was to be paid in advance. On 9.7.2014 he is stated to have visited the office of the company and having met the present petitioner as also one Sher Singh and Pawan. Rs.25,000/- was paid in cash to the accused including the present petitioner. Complainant asserted that upon asking of the I.D proofs, the present petitioner had furnished a copy of his Voter Card/Driving License. Thereafter, he was informed on telephone that his

work visa for Malaysia had come and he should deposit the balance amount.

On 31.7.2014, complainant alleges that he met the present petitioner as also Sher Singh and Pawan Kumar in the office of G Enterprises and entrusted the amount of Rs.2.5 lacs and was given a copy of the work visa for Malaysia. At that point of time complainant was assured that a flight ticket for Malaysia would be arranged within a period of 2 to 4 days.

Accusations in a nutshell are that a forged and fake copy of work visa for Malaysia had been given and a total sum of Rs.2,75,000/- had been misappropriated by the accused party including the present petitioner. It was also alleged that upon visiting the company office, complainant had also met one Kulwinder Singh, a resident of Kharar and who disclosed that he also had been cheated in a similar fashion.

Counsel for the petitioner vehemently contends that the real culprit is one Ravi Bhatia and who is in the business of Travel Agent, Immigration etc. and has opened various firms like M/s Gayatri Travels, M/s G Enterprises, M/s G International etc. and who has duped a number of persons on the pretext of sending them abroad. It is further contended that the present petitioner was a mere employee at a certain point of time and during the course of employment it was Ravi Bhatia who had taken certain documents from the petitioner in the nature of proof of I.D etc. and such documents have been misused.

Having heard counsel for the petitioner at length, this Court is not inclined to extend to the petitioner the concession of anticipatory bail.

It has gone uncontroverted that the petitioner had worked in a company owned by Ravi Bhatia for the period 7.1.2011 to 18.12.2015. it would be difficult to believe that during all this time the present petitioner

was not aware of the *modus operandi* adopted by Ravi Bhatia. The allegations made by Palwinder Singh leading to the registration of the F.I.R are specific and direct. There is an entrustment of Rs.2,75,000/- jointly to the present petitioner and other co-accused. Likewise, even the work visa for Malaysia which has been found to be forged is stated to have been given to the complainant by the petitioner and co-accused Sher Singh. Allegations are serious in nature and which would require a deep and thorough probe.

Even the antecedents of the petitioner are not clean. Concededly, the petitioner is a previous convict in a matter where the allegations were of making fake R.Cs of stolen cars etc.

In the totality of circumstances, it is a case where custodial interrogation of the petitioner may well be warranted. Prayer for grant of concession of anticipatory bail is, accordingly, declined.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

06.05.2016
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