

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

**Criminal Misc. No. M-29622 of 2016 (O & M)
Date of Decision:-07.10.2016**

Sudarshan Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Rajiv Joshi, Advocate
for the petitioner.

Mr. Sultan Singh Gill, Deputy A.G., Punjab.

HARI PAL VERMA J.

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.109 dated 30.7.2016, under Sections 406, 420 and 506 IPC read with Section 24 of the Immigration Act, registered at Police Station Division No.4, Jalandhar.

Learned counsel for the petitioner states that the petitioner has unnecessarily been named in the FIR, which has been lodged at the instance of complainant Rupinder Kaur. The only reason to arraigned the petitioner is that the petitioner is the close relative of accused Sanjeev Kumar @ Happy. The complainant has initially filed a complaint against the said accused, who is living abroad (Italy). Learned counsel for the petitioner states that the petitioner has falsely been implicated in the case. The

petitioner has neither cheated the complainant nor is in possession of the passport of the complainant. There was no entrustment of any amount or passport to the applicant-petitioner. The amount of Rs.1,00,000/- was given to Manjit Singh travel agent of M/s Guru Kirpa Travel Agency at Jalandhar South and not to the petitioner. The complainant has filed the present case against the petitioner by concealing the previous complaint.

I have heard learned counsel for the petitioner.

As per the allegations, the complainant was wanted to go abroad, had approached Sanjeev Kumar @ Happy, who introduced her to his brother-in-law Sudarshan Kumar (the petitioner). Accordingly, the complainant alongwith petitioner Sudershan Kumar, his wife Rommy and their daughter had approached Manjit Singh, travel agent of M/s Guru Kirpa Travel Agency, on 6.11.2015 and paid Rs.1,00,000/- to him. Another sum of Rs.21,000/- was given to him as his fee. The agent has obtained her signatures and has stated that he will arrange for viza in 9 months at the passport of the complainant. The said passport was kept by Sudershan Kumar himself and the same was not returned to the complainant despite repeated requests. Another amount of Rs.4,50,000/- was also received from the parents of the complainant by the petitioner.

It is the petitioner, who accompanied the complainant to Manjit Singh of M/s Guru Kirpa Travel Agency and amount of Rs.1,00,000/- was given to said Manjit Singh. The petitioner has kept the passport of the complainant. The allegation of receiving another amount of Rs.4,50,000/- from the parents of the complainant is also against the petitioner Sudershan

Kumar. Therefore, taking into consideration of nature of allegations, this Court does not find any ground to grant benefit of anticipatory bail to the petitioner.

Dismissed.

October 07, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No