

CRM-M-43530 of 2016

[1]

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

Sr. No. 205

CRM No.M-43530 of 2016

Date of decision: December 19, 2016

Amrit Pal Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Bikramjit Singh Baath, Advocate,
for the petitioner.

Mr. RPS Sidhu, AAG, Punjab.

Mr. Gagandeep Singh Simble, Advocate,
for the complainant.

JASPAL SINGH, J. (ORAL)

By virtue of the instant petition preferred under Section 438 of the Code of Criminal Procedure, the petitioner has sought the pre-arrest bail, feeling apprehension of his arrest, in case bearing FIR No. 220, dated October 28, 2016, under Sections 306 & 506 IPC, registered at Police Station Civil Line, District Batala.

2. The instant FIR stands registered on the basis of statement of Lakhwinder Singh son of Tara Singh to the effect that he is running a workshop in the name of 'Hanspal Pattern Works' near deluxe pulli. He has two sons and one daughter. Both sons used to work in the workshop along with the complainant. His elder son Jasbir Singh (30 years old) was married

CRM-M-43530 of 2016

[2]

and had one son from his wedlock. Jaswinder Singh, Satbir Singh and Daswinder Singh were friends of Jasbir Singh and they told him that they want to go to Canada. They told the name of agent Amrit Pal Singh Goraya son of Kehar Singh (petitioner). One Abhijeet Arora resident of Ambala was known to Amritpal Singh Goraya (Petitioner). On September 02, 2016, Jaswinder Singh, Satbir Singh and Daswinder Singh taken Jasbir Singh to the house of petitioner at Village Bahadurpur, where petitioner demanded Rs. 20 lac per person for sending them to Canada and kept their passports with him. That time, Rs.5 lac per person were taken by him in cash. On September 24, 2016, petitioner taken these persons to Delhi. They stayed at Runway Hotel. Abhijeet Arora was already present there. Pardeep Singh and Gurpreet Singh residents of District Moga were already present, who were called by the agents. Pardeep Singh and petitioner gave Rs.15 lac to Abhijeet Arora. Gurpreet Singh given Rs.18 lac to them. Jasbir Singh and his friends were also asked to give the remaining amount but they told that they will pay the remaining amount after reaching Canada. Abhijeet Arora left the hotel saying that he will bring the passport from Embassy. Jasbir Singh and his friends and other two persons who were from Moga searched Abhijeet Arora but could not traced him and returned back to Batala. Agent Amritpal Singh Goraya and Abhijeet Arora neither sent Jasbir Singh and other persons abroad nor they returned their money. Petitioner and Abhijeet Arora told Jaswinder Singh, Satbir Singh and Daswinder Singh, Pardeep Singh and Gurpreet Singh that Jasbir Singh will return the money, whereupon all these boys started harassing and threatening Jasbir Singh. For the safety of his son, complainant transferred

CRM-M-43530 of 2016

[3]

Rs.5 lac in the account of Jaswinder Singh and remaining persons were given 8 blank cheques under the signature of the complainant but even thereafter they did not stop threatening Jasbir Singh, due to which Jasbir Singh started to remain under tension. Jaswinder Singh, Satbir Singh and Daswinder Singh, Pardeep Singh, Gurpreet Singh, Abhijeet Arora, Amritpal Singh Goraya and three-four unknown persons threatened his son Jasbir Singh to return the money. Otherwise, his family would be physically and financially harmed due to the pressure of all these persons. Jasbir Singh committed suicide by hanging with fan at his in-laws house at Shiv Nagar, Batala. Complainant further alleged that his son Jasbir Singh used to disclose every matter to him including the fact that all these persons were harassing him.

3. Learned counsel has contended that the allegations levelled in the FIR are false, baseless and incorrect, as Jasbir Singh was having friendly relations with accused-petitioner and due to some misunderstanding, the complainant has named the petitioner as accused. In fact, accused-petitioner has no concern whatsoever with suicide of deceased Jasbir Singh. Jasbir Singh was cheated by Abhijeet Arora and his wife Suman Arora as is clear from the complaint lodged by him before police on October 20, 2016 vide Diary No.379 in the office of Senior Superintendent of Police, Batala. Father of Jasbir Singh got registered the FIR to save himself from paying the amount, which was to be paid by them to some persons. No offence under Section 306 IPC is made out against the accused-petitioner, as there is no evidence to prove that petitioner abetted Jasbir Singh to commit suicide and petitioner is innocent.

CRM-M-43530 of 2016

[4]

4. Learned counsel for the petitioner further contended that in case the petitioner is granted the interim bail, he will join and cooperate with the Investigating Agency.

5. Learned counsel for the respondents vehemently opposed the petition submitting that petitioner is a travel agent. He extracted the money from persons on the pretext of sending them abroad. Ultimately, when he failed to send them abroad, he told them to take money from Jasbir Singh (son of the complainant). They put pressure on Jasbir Singh for money, whereupon Jasbir Singh continuously remained under tension/pressure and committed suicide. Offence complained of against the petitioner is serious and he should not be granted the benefit of bail. Accordingly, instant petition deserves to be dismissed. This court given an anxious thought to the aforesaid submissions made by learned counsel for both the parties and have also gone through the record available.

6. There are specific allegations against the petitioner that he received a sum of Rs.5 lac from Jaswinder Singh, Satbir Singh and Daswinder Singh on September 2, 2016 at his house. He took them to Delhi and stayed there in a hotel. He played a key role to introduce them with another agent Abhijeet Arora. He along with Abhijeet Arora extracted the money from Pardeep Singh and Gurpreet Singh resident of Moga. Petitioner neither sent all these persons to abroad nor returned their money, but asked to take money from Jasbir Singh, which became the cause of committing suicide by Jasbir Singh. Petitioner played a key role to all the episode of crime. Thus, this court is of the considered view that custodial interrogation of the petitioner is necessary to unearth all the ramifications involved in the

CRM-M-43530 of 2016

[5]

case.

7. In the light of what has been discussed above, this Court does not find it a fit case to grant the concession of interim bail to the petitioner. Accordingly, instant petition stands dismissed.

December 19, 2016
Avin/Ankur

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No