

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

***CRM No.M-469 of 2016 (O&M)
Date of decision:27.01.2016***

Kuldeep Singh Gill

... Petitioner

Vs.

State of Haryana

... Respondent

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

Present: Mr. L.M. Gulati, Advocate for the petitioner.

Mr. Vivek Saini, DAG, Haryana.

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TEJINDER SINGH DHINDSA, J.

Petitioner seeks concession of pre-arrest bail in case FIR No.204 dated 09.07.2015, under Sections 406/420/506/34 IPC and Sections 3/4 of the Emigration Act, registered at Police Station Butana, District Karnal.

Counsel for the parties have been heard at length.

Complainant in the present case is Rajbir Singh. As per statement of complainant, brother of the complainant was living abroad i.e. New Zealand and so was accused No.1 i.e. Harjinder Singh Gill son of the present petitioner. It is alleged that accused No.1 got in touch with brother of the complainant and disclosed to him that he along with his father are doing the business of sending the people abroad. On the basis of such information, the complainant is stated to have approached accused No.2 i.e. the present petitioner. Thereupon the present petitioner is stated to have established telephonic contact with his son in New Zealand and a demand of Rs.12 lacs was made.

Specific allegations are that a sum of Rs.7 lacs was paid to the

present petitioner on 21.09.2013 and thereafter a sum of Rs.5 lacs has been paid on 27.07.2014. Allegations in nutshell are with regard to misappropriation of such huge sum of money and the complainant having been cheated and not sent abroad.

Counsel appearing for the petitioner would vehemently argue that the petitioner has no dealings with his own son and in this regard would advert to a document at Annexure P-2 stating that Harjinder Singh Gill, accused No.1 was disowned. Concession of pre-arrest bail is also prayed for on the ground that the petitioner is of an advanced age i.e. 66 years old and is a retired government employee.

Having heard counsel for the parties, this Court is of the considered view that the petitioner is not held entitled to the concession of anticipatory bail.

The allegations against the petitioner are not only serious but are specific. A sum of Rs.12 lacs is stated to have been paid to the present petitioner. This Court cannot proceed oblivious of the ground reality whereby unemployed youth of the State are being sold a foreign dream.

Even the document at Annexure P-2 does not inspire any confidence. Perusal of the same would reveal that the petitioner describes himself to be a retired SSA/SSO from the Punjab State Electricity Board on 30.04.2008 and states that his son Harjinder Singh i.e. accused No.2 is not in his control and had fallen in bad company. Such document further goes on to recite that the members of the Gram Panchayat have verified that Kuldeep Singh Gill i.e. present petitioner had never acted as a travel agent for sending anybody abroad. Suffice it to observe that there was no occasion for such document which was essentially in the nature of severing ties

with his own son to also contain a verification with regard to the conduct of the present petitioner and his not being involved in having acting as a travel agent and of having sent people abroad. Prima facie a defence was being set up at the very initial stage.

It has also gone uncontroverted that the application seeking concession of anticipatory bail in respect of accused No.1 i.e. son of the petitioner has already been dismissed and he is on the run and evading the process of law.

In an overview of the matter, concession of pre-arrest bail is declined to the present petitioner.

Petition is dismissed.

However, it is observed that the observations contained in this order are confined only as regards consideration of the prayer of the petitioner for anticipatory bail and would have no bearing on the merits of the case.

27.01.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**