

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-8411 of 2016 (O&M)

Date of Decision: 26.04.2016

Sumit Wadhwa

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. Balram Singh, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

Present petition has been filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.09 dated 22.1.2015 under sections 406, 420 I.P.C and Section 24 of Immigration Act, registered at Police Station, Sultanpur Lodhi.

Counsel for the petitioner has been heard at length.

Briefly, it may be noticed that F.I.R came to be registered on the complaint of Jagjit Singh. Complainant asserted that he had struck a deal for Rs.22 lacs with co-accused Jagir Singh so as to send him abroad i.e. to America. Rs.10 lacs was stated to have been given in advance. Even the passport of the complainant was taken on 24.9.2013. It was alleged that complainant was taken to Hyderabad and thereafter to Delhi and where he was shown a ticket as also visa but then brought back to the village. Accusation is that ticket as also visa were found to be fake and forged and as such, a fraud has been committed upon him and money has been misappropriated.

Counsel for the petitioner vehemently argues that name of the petitioner does not figure in the F.I.R and there is no allegation and assertion of entrustment of money to the petitioner.

Be that as it may, it may be noticed that during the course of investigation the present petitioner was also nominated having been found to be a Travel Agent himself and having close nexus with the main accused Jagir Singh.

During the course of arguments, counsel has not been able to rebut that the call record details demonstrated that the present petitioner was in constant touch with the main accused Jagir Singh. It has also been conceded that the present petitioner had even visited Anchal Hotel, Hyderabad i.e. the place where complainant Jagjit Singh had been taken.

Main accused Jagir Singh has been declined concession of pre-arrest bail by this Court on account of dismissal of CRM No. M-41261 of 2015 on 11.1.2016. He is still stated to be on the run having not joined investigation.

The allegations of cheating innocent persons on the allurements of being sent to a foreign land are serious in nature.

This is a matter which would require a deep and thorough probe and which may warrant custodial interrogation of the petitioner.

Under such circumstances, this Court is not inclined to extend in favour of the petitioner concession of pre-arrest bail.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

26.04.2016
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