IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-12605 of 2017
Date of Decision: 27.09.2017

Tarsem Singh ....Petitioner

VERSUS

State of Punjab ....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rajbir Singh, Advocate
for the petitioner.

Mr.Luvinder Sofat, AAG, Punjab.

Mr. Sandeep Gehlawat, Advocate
for the complainant.

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SURINDER GUPTA, J.(Oral)

Present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to petitioner in case FIR No. 03 dated 17.01.2017 registered for the offence punishable under Section 420 of Indian Penal Code (for short, “IPC”), at Police Station Sadar Tarn Taran, District Tarn Taran.

Complainant-Tasbir Singh had a talk with the petitioner to send his son Pargat Singh to South Korea. The petitioner assured complainant that he is in business of travel agency and has already sent and settled many boys abroad. He settled the deal with complainant for ₹8 lacs to send his son to South Korea. The payment was made to petitioner and his wife, namely Jass and passport and other documents of son of complainant were also handed over to them. Amount of ₹8 lacs was collected by complainant by taking loan from his brother-in-law, Parduman Singh and sister-in-law, Rajwant Kaur, who had given this amount after withdrawing from the bank.

The amount taken from brother-in-law and sister-in-law was returned after taking advance from his GP fund by complainant.

On 03.08.2015, accused sent son of complainant to Vietnam from where he was sent to Cambodia after 3-4 days. At Vietnam and Cambodia, son of complainant was not provided proper food and then without visa sent to South Korea, where he was arrested and deported to Vietnam. From Vietnam son of complainant was again sent to Malaysia on visa from where he was sent to Indonesia. He remained in Indonesia for about three months and then called back to India by the petitioner. During his travel and stay at aforesaid countries all the expenses of tickets and meals were borne by the son of complainant. The matter was taken up with the petitioner and he was asked to return the money taken by him but he kept on putting off the matter on one pretext or the other.

Learned State counsel has argued that during investigation, the police has verified that there was deal of complainant and the petitioner for sending son of complainant on work visa. It has also been verified that petitioner is in a business of travel agency. The contention of complainant about arranging amount of ₹8 lacs has also been verified and found to be correct. It has come on record that petitioner has ditched complainant by making false promises of sending and settling his son in South Korea after taking ₹8 lacs.

Learned counsel for the petitioner has argued that the petitioner is not a travel agent. Brother of petitioner is staying in Vietnam. As per allegations of complainant, his son was first sent to Vietnam from where he was sent to Cambodia, South Korea, Malaysia and Indonesia. Petitioner is not having any passport and it is not possible for him to arrange visa for son of complainant, who was in foreign countries. All this reflects falsity of allegations of complainant.

On perusal of paper-book, police file and going through submissions of learned counsel for parties, I find that there is *prima facie* evidence with the investigating agency that petitioner had taken ₹8 lacs from complainant with the promise to send and settle his son in South Korea. It is for the petitioner to explain as to whose assistance he was taking in his business of travel agency for sending and settling various boys abroad as stated by him to complainant. The fact that petitioner is in business of travel agency and payment of ₹8 lacs to him and arrangement of that amount by complainant has been duly verified by the police. It has been found that in number of cases in this belt innocent people are fleeced by unscrupulous persons by making promises of better avenues for them in other countries. Many people fell prey of such promises. In the present case, son of complainant was sent to Vietnam and then to Cambodia and from there to South Korea, where he was arrested and deported. Again he was sent to Malaysia and from there to Indonesia and ultimately called back. There appears to be some racket going on, which calls for thorough investigation, for which custodial interrogation of the petitioner is required.

Keeping in view facts and circumstances of the case and manner in which complainant has been ditched, I find no merit in the instant petition and the same is dismissed.

September 27, 2017 **(SURINDER GUPTA)**
jk **JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No