IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No. M-17804 of 2017 (O&M)
Date of Decision: 18.05.2017

Ravinder Singh --Petitioner

Versus

State of Punjab --Respondent

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

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

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TEJINDER SINGH DHINDSA, J.

The instant petition has been filed under Section 438 cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.213, dated 27.04.2017, under Sections 420/465/467/468/471 IPC and Section 13 of the Punjab Prevention of Human Smuggling Act, registered at Police Station Civil Lines, Police Commissionerate, Amritsar.

Counsel for the petitioner has been heard at length.

FIR came to be registered on the statement of Ashwani Kumar. Allegations are against the present petitioner and co-accused, S.S. Walia and Harjot Kaur Walia of having duped the petitioner of a sum of Rs.5 lakhs approximately on the pretext of sending son of the complainant abroad. Further allegations are that even a fake F.D.R. of ICICI bank to show the financial capacity of son of the complainant was prepared by the accused party. Still further, allegations are that a cheque of Rs.2.35 lakhs was handed over by the accused party to the complainant for return of the part amount but even such cheque has been dishonoured.

During the course of arguments, it has been conceded that the present petitioner as also two other co-accused are running an educational consultancy firm under the name of Shine Overseas. Counsel submits that it is within the scope of the work and operations of Shine overseas to facilitate the placement of prospective candidates abroad and in education programmes. The entrustment of Rs.5 lakhs over different dates and in favour of the accused party is also not disputed.

Insofar as the allegations of a fake F.D.R. of Rs.25 lakhs having been prepared, counsel would contend that such F.D.R. had been prepared by the complainant himself and the accused party had merely appended such F.D.R. receipt along with the application filed of the son of the complainant. As regards issuance of cheque of Rs.2.35 lakhs is concerned, the same is also not disputed. Counsel contends that even though, the cheque has been dishonoured but the accused party is still ready and willing to make over such amount to the complainant.

The allegations against the petitioner are serious in nature. Allegations of innocent people being duped of their hard earned money on the pretext of selling a foreign dream are on the rise. The fact that the petitioner being one of the owners of Shine Overseas i.e. the Overseas Placement Company is not disputed. Entrustment of Rs.5 lakhs by the complainant to Shine Overseas to send his son abroad is also not disputed. The stand taken on behalf of the petitioner that the fake and forged F.D.R. of Rs.25 lakhs had been made by the complainant himself does not inspire confidence. On the face of it, a father would never resort to place reliance upon a forged document in relation to a file/application of his own child for placement abroad. Even the dishonour of the cheque of Rs.2.35 lakhs which concededly had been furnished by the accused party to the complainant lends credibility to the complainant's version.

In the considered view of this Court, it is a matter, which requires a deep and thorough probe and which may entail custodial interrogation of the petitioner.

Petition is dismissed.

18.05.2017 **(TEJINDER SINGH DHINDSA)**
harjeet **JUDGE**

i) Whether speaking/reasoned? Yes

ii) Whether reportable? Yes