

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

**CRM-M-25257-2017
Date of decision :25.10.2017**

Lakhwinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE H.S. MADAAN

Present : Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab

H.S. MADAAN, J.

This petition for regular bail has been filed by Lakhwinder Singh an accused in FIR No.315 dated 17.11.2016 under Sections 406, 420 IPC registered with Police Station City Khanna Police District Khanna, District Ludhiana.

Briefly stated the facts of the case as per prosecution version are that one application dated 20.06.2016 was submitted by complainant – Avtar Singh son of Bant Singh resident of Ward No.3, Dalip Singh Nagar, Street No.7, Khanna, District Ludhiana addressed to Senior Superintendent of Police, Khanna against Lakhwinder Singh (song writer Bittu Rurki Wala)

i.e. present petitioner and his accomplice Amit resident of Fatehgar Sahib and Sarkar Singh alleging that they had committed a fraud of ₹20 lacs with complainant and others on the pretext of sending them abroad.

Inter alia in the complaint it is contended that the accused had come to Delhi and represented that he need some persons for work at Sweden in that way he would take them to Sweden. He asked Avtar Singh to identify such persons desirous of going abroad. According to the complainant, he accordingly did so and the total number come to 10 persons who contributed ₹2.5 lacs each. In that way a sum of ₹20 lacs was given to Lakhwinder Singh besides passport of those persons. Lakhwinder Singh stated that money be given to his friends Aman and Sarkar since he was at Delhi. It was done accordingly. However, the accused neither ensured migration of such persons abroad nor returned their money. Hence complaint was filed to the Police.

On receipt of the complaint the matter was enquired into and it came out that Lakhwinder Singh alisa Bittu Rurki Wala had received heavy amount from complainant – Avtar Singh and boys and girls of his group for the purpose of getting cleaning job at high salary in hotels for them in Greece, Norway and Sweden. He had given allurements to them also. The enquiry revealed that Lakhwinder Singh had taken ₹5 lacs through his accomplice, besides himself receiving a part of money on 17.05.2016 at Khanna and had played fraud with the complainant and others. Formal FIR for offence under Sections 420, 406 IPC was registered. Accused was arrested in this case on 16.04.2017. He had moved an application for regular bail, but the same was dismissed by Judicial Magistrate Ist Class, Khanna, he had tried his luck in the Court of Sessions but was unsuccessful

there. Additional Sessions Judge, Ludhiana declined his request for grant of regular bail, as such, for seeking similar relief he has approached this Court.

Notice of the petition was given to the State and reply on behalf of State has been filed.

I have heard learned counsel for the parties, besides, going through the record and I find that there is no merit in the petition. Learned counsel for the petitioner contended that the petitioner is innocent and has not committed any offence. He has been falsely involved in this case. He is in custody for more than 4 months. The offence are triable by the Court of Magistrate and the conclusion of trial is likely to take considerable time, therefore, the petitioner be granted regular bail. Whereas this request is being opposed by learned State counsel submitting that the petitioner has played fraud with innocent persons fleecing them of lacs of rupees and in case he is released on bail there are many chances of his absconding or trying to tamper with the prosecution evidence. Therefore, his petition be dismissed.

After hearing the rival contentions I find that no case for grant of regular bail to the petitioner is made out. People of this region especially the younger generation display a strong tendency to migrate abroad in search of greener-pastures, there are several reasons for the same like lack of employment opportunities in this area, small land holdings and lesser wages. People go to the extent of mortgaging / selling their properties, borrowing money to raise funds to pay to the wily and clever persons posing and operating as travel agents. This seems to be a case of similar type, the petitioner giving allurements of migration to the complainant and other gullible persons had obtained a substantial sum running into lacs of rupees

from them, besides their passport without actually meaning to take them abroad and getting them employed there. He had cheated them and played fraud with them. He cannot be shown any leniency by way of granting him benefit of regular bail as the apprehension expressed by learned State counsel that if he is released on bail there are fair chances of his absconding and trying to tamper with prosecution evidence cannot be brushed aside lightly. Challan against the accused has been filed and trial is going on which is likely to be completed in near future. His guilt shall be established only at conclusion of trial, if he is found to be innocent he shall be acquitted but at this stage no case for grant of bail is made out.

The petition stands dismissed accordingly.

25.10.2017

Gaurav Sorot

(H.S. MADAN)
JUDGE

1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**