

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-28199 of 2016 (O&M)

Date of Decision: 16.01.2017

Bhawana Singh

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. I.S. Chawla, Advocate for the petitioner.

Ms. Harpreet K. Athwal, DAG, Punjab.

Mr. Sudhir Rana, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J

The 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.94 dated 03.07.2016 under sections 420, 406 I.P.C and Section 13 of Immigration Act, registered at Police Station, Model Town, District Hoshiarpur.

Counsel for the parties have been heard.

Complainant in the present case is one Raghunath Singh. Allegations are with regard to a sum of Rs. 2,50,000/- having been entrusted to the present petitioner to facilitate son of the complainant namely Deepak Thakur to be sent abroad i.e. to Hong Kong on a work permit visa.

It is the case put forth on behalf of the petitioner by the learned counsel that the requisite sum of money i.e. Rs. 2,50,000/- has been received but it was passed on to one Bharat Sharma, who, in fact was a Travel Agent.

A perusal of the order dated 30.07.2016, passed by the learned Additional Sessions Judge, Hoshiarpur declining concession of anticipatory

bail to the petitioner would reveal that inquiry in the matter had been conducted on the directions of S.S.P concerned and during the course of which the statement of Bharat Sharma had also been recorded and who admitted that he is a licensed Travel Agent and that the present petitioner namely Bhawana Singh had contacted Deepak Thakur to send him abroad on commission basis. Investigating Agency has also in its possession a document which is in the shape of an agreement and as per which Bhawana Singh had agreed to travel to Thailand along with one Jaswinder Singh and family members of the complainant to locate Deepak Thakur.

The uncontroverted position of fact is that till date Deepak Thakur is missing and has not been traced.

Another pertinent fact which reflects adversely on the conduct of the petitioner is that an FIR under Section 306 I.P.C had been got registered by the father of the present petitioner and against the complainant Raghunath Singh alleging Bhawana Singh to have committed suicide on the basis of a suicide note having been recovered. The facts speak for themselves. It is a false and motivated FIR. The only attempt perhaps was to absolve the present petitioner namely Bhawana Singh of her obligations under law.

Under the facts and circumstances of the case, this Court is not inclined to extend in favour of the petitioner the concession of anticipatory bail.

Present petition is, accordingly, dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

16.01.2017

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Whether speaking/reasoned: Yes
Whether Reportable: Yes