IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-27719 of 2017
Date of decision: 9.8.2017

Gurjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.P.S. Ahluwalia, Advocate
for the petitioner.

Mr.K.S. Aulakh, DAG, Punjab.

Mr.Ranjan Lakhanpal, Advocate
for the complainant.

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H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner – Gurjit Singh – an accused in FIR No.14 dated 12.3.2017, under Sections 420/120-B IPC, registered with Police Station Chohla Sahib, District Tarn Taran.

Briefly stated, the facts of the case as per prosecution version are that petitioner – accused Gurjit Singh had been running a company under name and style of Flying Agro Services Pvt. Ltd. and in garb of that he used to send persons abroad. The purpose of this company purportedly was to import agricultural machinery for supply to various farmers. Whenever a person intended to go abroad would approach the petitioner; he would show him as employee of the company and thereafter such employee used to be sent to foreign countries for the purpose of inspection of machinery etc. The petitioner – accused managed to obtain visa for such persons at times. Complainant Swaran Singh got in touch with him and the petitioner gave him allurement of sending his son Kuldeep Singh along with his wife Jaswinder Kaur abroad on payment of a sum of Rs.14 lacs. The petitioner had visited house of complainant also. The complainant made initial payment of Rs.1,00,000/- giving him passport of his son and daughter-in-law, besides other documents which was so done in presence of one Gurjant Singh and Gurmail Singh. Kuldeep Singh was shown as employee of the company of the petitioner. In May, 2003, a further sum of Rs.90,000/- was paid to the applicant. Thereafter, petitioner stated that if son and daughter-in-law of complainant wanted to settle abroad, then they should first visit Germany since in that eventuality, it would be easy for them to get visa for Canada. He demanded a sum of Rs.4 lacs for sending them to Germany. Furthermore, petitioner – accused had purchased a Zen car by raising a loan against pension account of complainant and at that time, he also obtained 50 blank signed cheques from the complainant along with 50 blank signed papers. He asked the complainant to keep on paying EMIs of that loan stating that the said amount would be adjusted finally against the agreed sum. However, the petitioner did not keep his promise of sending children of complainant to either Germany or Canada. Thereafter, the petitioner started saying that the children of complainant would be sent to Korea initially and demanded a sum of Rs.1,00,000/-, which was paid to him by the complainant in February, 2005.Thereafter, petitioner constituted a new firm under the name of Pacific Education Society and demanded a sum of Rs.2 lacs from the complainant for showing him as a member. In the year 2005, another sum of Rs.1,55,000/- was paid but visa for son and daughter-in-law of complainant could not be obtained. Then in December, 2005, a further payment of Rs.48,000/- was made to Shiminder Kaur. Son of complainant got visa for England in 2006 and at that time the petitioner again demanded balance amount of Rs.5 lacs. The complainant paid him a sum of Rs.2,60,000/- in installments. At that time also, petitioner – accused got sanctioned a loan of Rs.3,60,000/- from ICICI bank in the name of son of complainant namely Kuldeep Singh in his capacity as employee of his company and in all he received a sum of Rs.13,53,000/- from the complainant side. The petitioner used to file criminal complaint under Negotiable Instruments Act against various persons using blank cheques but all those complaints were dismissed. Co-accused of the petitioner namely Shiminder Kaur had agreed with complainant promising to repay the entire amount in case they fail to bring visa for son of complainant for Canada. The petitioner along with his co-accused Angrej Singh had also admitted of their having played fraud upon the complainant. The accused was arrested in this case on 16.6.2017 and it transpired that his company Flying Agro Services Pvt. Ltd. was unregistered concern and presently the petitioner is in judicial custody. He had moved an application for regular bail in the Courts below but was unsuccessful there, as such, he has approached this Court with the same request.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the petitioner, learned State counsel assisted by learned counsel for the complainant besides going through the record.

Learned counsel for the petitioner has argued that the allegations in the FIR are not believable as far as the transaction beginning in the year 2002 and going on till the date when the FIR was registered in the year 2017; that there is no proof of any payment having been made by complainant to the accused; that the innocence of the petitioner stood established in a preliminary inquiry conducted by the investigating agency; that as many as six different FIRs have been got registered against the petitioner to make him remain in jail, however, the petitioner has been ordered to be released on bail in several cases; that his further detention shall not serve any purpose, as such he be released on bail.

Whereas the request of learned counsel for the petitioner is opposed by learned State counsel assisted by learned counsel for the complainant submitting that the petitioner has got a long past criminal record inasmuch as he is accused in 11 FIRs registered at various places in the State of Punjab which are as under:

1. FIR No. 22 dated 9.2.2013
2. FIR No.57 dated 6.6.2013

3. FIR No.70 dated 7.6.2013
4. FIR No.100 dated 23.10.2013
5. FIR No.250 dated 28.12.2013
6. FIR No.320 dated 16.10.2014
7. FIR No.37 dated 13.3.2015
8. FIR No.46 dated 30.4.2016
9. FIR No.174 dated 15.10.2016
10. FIR No.14 dated 12.3.2017
11. FIR No.50 dated 16.3.2017

Furthermore, the petitioner has been duping innocent persons of their hard earned money, promising their migration abroad so as to have lavish life style and that if he released on bail, there is every possibility of his absconding and tampering with the prosecution evidence. Therefore, he be not granted bail.

After hearing the rival contentions, I find that it is certainly not a fit case for grant of regular bail. There is a strong tendency amongst people of Punjab to migrate abroad in search of greener pastures and to fulfil that desire they can go to any extent. The wily and cunning persons take advantage of that fact posing as travel agents and fleecing innocent persons of substantial amounts of money selling them dreams of their migration. Many travel agents adopt very dubious and dangerous means for taking people abroad in the process quite often many causalities take place. Such type of elements have to be dealt with sternly. Furthermore, people repose faith in the persons, who promise to ensure their migration abroad and rarely ask for any receipt etc. after making payment so demanded and depositing the passport. Therefore, there could not possibly be any document evidencing payment of money and depositing of passport.

Furthermore, I find that as regards the submissions made by learned counsel for the petitioner those are not much relevant at this stage when question of grant of regular bail to petitioner is being considered. The petitioner comes out to be involved in many criminal cases of cheating, criminal intimidation, forgery and fabrication of documents. In case, he is granted bail, there is every possibility of his absconding and keeping away from process of law and to make efforts to influence the prosecution witnesses. Further, the investigation is going on and thereafter challan would be filed in the Court and if during the trial the petitioner is found to be innocent, he would get a clean chit but then at this stage no case for grant of regular bail to him is made out.

Dismissed.

9.8.2017 **(H.S.MADAAN)**
Brij **JUDGE**

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No