

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

CRM-M No.32572 of 2016

Date of decision: 24th January, 2017

Gagan Bajaj

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Raghav Gulati, Advocate for the petitioner.

Mr. Gurinderjit Singh, Dy. Advocate General, Punjab
for the respondent/State.

Mr. Amaninder Preet, Advocate for the complainant.

FATEH DEEP SINGH, J.

Allegations against the petitioner Gagan Bajaj stems from a complaint made by complainant Major Singh on the grounds that the petitioner is running a travel agency and on the pretext of sending his daughter-in-law Pawandeep Kaur to Australia on study basis, has managed to receive fraudulently a sum of Rs.16.50 lacs but failed to do so and out of this amount, returned in two installments Rs.2,18,900/- and Rs.3,90,000/- and remaining amount of approximately Rs.10.00 lacs is still due and even had on earlier occasion transferred a sum of Rs.5.65 lacs from the account of Pawandeep Kaur to the account of one Rajdeep Singh fraudulently.

Learned counsel for the petitioner Dr.Anmol Rattan Sidhu, Senior Advocate assisted by Mr.Raghav Gulati, Advocate submits that no such amount was ever deposited in the account of the petitioner and that the amount in question was transferred at the behest of the petitioner to the concerned college in Australia where admission was sought to be made and since the daughter-in-law of the complainant was declined Visa, same could not be materialized and thus, no case of cheating was made out. He has sought to place reliance on the annexed documents to show that the petitioner was not qualifying for the admission and thus, the Visa.

Learned State counsel assisted by Mr.Amaninder Preet, Advocate representing the complainant has sought to oppose the bail on the ground that it was a clear cut case of enticing the poor complainant on the pretext of sending his daughter-in-law abroad and has raked up the issue that it is a pure case of custodial interrogation.

Appreciating the submissions, it is own stand of the petitioner that he has taken the amount in question on the promise to get admission for the ward of the complainant. His total refusal in returning back the amount, in itself highlights the malice on his part together with the statement of Rajdeep Singh before police during the investigation is a clear pointer to the mens-rea adopted by the petitioner, thus a case of

custodial interrogation. No case for anticipatory bail is made out and thus, the present petition stands dismissed.

(FATEH DEEP SINGH)
JUDGE

January 24, 2017
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No