

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 202

CRM-M-38702-2016

Decided on : 20.03.2017

Harjit Verma

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Pankaj Bali, Advocate, for the petitioner.

Mr. Neeraj Yadav, AAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Through the present petition filed under Section 438 Cr. P. C., the petitioner seeks anticipatory bail in FIR No. 82, dated 15.09.2016, registered under Section 420 IPC, at Police Station Fattu Dzinga, District Kapurthala.

The case of the prosecution, as borne out from the record, is that while the complainant's son Gurdev Singh was pursuing IELTS course from the petitioner, he met and told the complainant that if the complainant was keen to send his son to Australia the petitioner could help him to do so but for the same, the complainant was required to pay fee/commission. Lured in by the above proposal, the complainant agreed. Thereafter, the petitioner alongwith one Arvinder Singh visited the complainant's house and on their asking, the complainant handed over to them Rs. 10,000/- alongwith his son's passport. Later, on the demand by the petitioner and the abovesaid Arvinder Singh, the complainant transferred Rs. 1 lakh from his own account to the account of Arvinder Singh. On a subsequent date, the

petitioner again visited the complainant's house and on his asking the complainant handed over to him two cheques in the name of Arvinder Singh amounting to Rs. 2.40 lakhs and Rs. 60,000/- respectively. The petitioner then told the complainant that he would not be able to execute his promise of sending the complainant's son abroad without involving his nephew-co accused Aman Verma to which the complainant agreed. Thereafter the complainant was visited by the petitioner and co-accused Aman Verma. On such visit they demanded Rs.18 lakhs from him. Rs. 50,000/- was immediately given by the complainant to the petitioner, who after counting the money handed over the same to Aman Verma. Both the petitioner and Aman Verma then visited the complainant's house on 02.04.2014 on which date, on demand, took from the complainant a cheque of Rs. 8.45 lakhs. Later, on 05.04.2014, the complainant had withdrawn Rs. 3 lakhs from his account which on the very same day, on demand by the petitioner and Aman Verma, was handed over to them. Similarly, on 24.05.2014, the complainant had withdrawn Rs. 1.50 lakhs from his saving account which in the evening of the same day, on demand by the petitioner and Aman Verma, was given to them. After the above payments had been made by the complainant, his son was not sent abroad and on demand of refund of the money paid to them, only Rs. 4.75 lakhs were refunded. When the complainant demanded return of the balance amount, the petitioner and his co-accused threatened him with dire consequences.

The allegations against the petitioner are serious. As per the case of the prosecution, it is the petitioner who had initially lured the complainant into sending his son abroad in lieu of payments to be made by him. The allegations in the FIR reveals payment of Rs.18 lakhs by the

complainant to the petitioner and his co-accused. Such payments were allegedly made on demands raised by the petitioner and his co-accused.

Only Rs.4.75 lakhs has been refunded. The remaining amount needs to be recovered. The money trail needs to be established. The role of the co-accused Arvinder Singh needs to be probed. Since the petitioner is teaching IELTS course to students of class 10th and class 12th, it needs to be probed whether the petitioner has duped other persons like the complainant.

In view of the above, I am of the opinion that custodial interrogation of the petitioner is warranted.

Resultantly, the present petition is dismissed.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

20.03.2017
shamsher

[DEEPAK SIBAL]
JUDGE

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