

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

CRM-M-39032-2017

Date of decision:-19.12.2017

Amarsher Singh @ Toni

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr. Balram Singh, Advocate  
for the petitioner.

Mr.Kirat Singh Sidhu, DAG, Punjab.

Complainant Vicky Verma in person.

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**H.S. MADAAN, J.**

The instant petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by petitioner - Amarsher Singh @ Toni, an accused in FIR No.349 dated 8.12.2016 for offences under Sections 420/120-B IPC and Section 24 of Immigration Act, 1983, registered at Police Station Focal Point, Ludhiana.

Briefly stated, facts of the case as per prosecution version are that FIR in question was lodged on the basis of a written complaint dated 5.6.2015 submitted by Vicky Verma to Commissioner of Police, Ludhiana and that complaint was filed against Amarsher Singh @ Toni and Sher

Singh for committing fraud and wrongful confinement contending therein that Amarsher Singh @ Toni had given an assurance to complainant to send him to Singapore and providing him job of storekeeper there on payment of Rs.3,80,000/-; that the complainant accordingly paid a sum of Rs.2 lakhs to Amarsher Singh @ Toni stating that remaining amount would be paid at the time of grant of visa; that the complainant accordingly got deposited a sum of Rs.30,000/- in the account of said accused and gave Rs.1,50,000/- in cash, however, Amarsher Singh @ Toni got visa of Malashiya for the complainant; that he had introduced him with his brother Sher Singh; that the complainant was illegally confined in Malashiya and Sher Singh snatched cash, passport, articles from the complainant and other similarly placed boys; that on refusal of the complainant to do job of plantation worker, he was given beatings; that the complainant returned home and contacted Amarsher Singh @ Toni asking him to return his amount of Rs.3,80,000/- but he refused to do so. On receipt of that complaint, the matter was inquired into and then formal FIR was registered.

Apprehending his arrest in this case, Amarsher Singh @ Toni accused had approached the Court of Sessions seeking grant of pre-arrest bail but his such application was dismissed by the Court learned Additional Sessions Judge, Ludhiana vide order dated 15.5.2017. As such he has approached this Court asking for similar relief.

Notice of the petition was issued to respondent – State, which put in appearance through counsel.

I have heard learned counsel for the parties besides going

through the record.

In this case interim bail was granted to the petitioner with direction to join the investigation. He has joined the investigation but as stated by learned State counsel, he has not rendered full co-operation and has not got the recovery effected. One more factor to be taken into note is that on 27.11.2017 counsel for the petitioner had submitted that the matter had been compromised between the parties. The parties were directed to appear in the Court. The complainant, who is present in Court has strongly refuted that any such compromise has taken place between the parties. In that way clearly an attempt was made to mislead the Court and that factor alone disentitles the petitioner for discretionary relief of pre-arrest bail.

Further, I find that it is certainly not a fit case for grant of pre-arrest 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 casualties 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.

In case of *State represented by the C.B.I. Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268*, Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect, who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful informations.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for.

Thus finding no merit in the petition, the same stands dismissed.

19.12.2017  
Brij

(H.S.MADAAN)  
JUDGE

**Whether reasoned/speaking : Yes/No**

**Whether reportable : Yes/No**