

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

CRM-M No.3983 of 2017
Date of Decision: 10.03.2017

JAGJEEWAN SINGH @ JIWAN SINGH

-PETITIONER

VS

STATE OF PUNJAB

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

Mr. Shilesh Gupta, Additional A.G., Punjab.

Mr. Liaqat Ali, Advocate
for the complainant.

RAJ MOHAN SINGH, J. (ORAL)

Allegations against the petitioner are that he got the victims boarded the flight from Chennai Airport to Malaysia after giving passport and tickets. Further allegation is that instead of work visas, tourist visas were given to the victims.

The FIR was registered against Hari Singh, Lakhvir Singh @ Kala, Jatinder Singh @ Bunty, Gurpreet Singh and the petitioner. As per reply filed by way of affidavit of Ramandeep Singh Bhullar, PPS, Assistant Commissioner of Police, Atam Nagar, Ludhiana, Lakhvir Singh had induced the complainants namely Jagjit Singh and Pardeep Singh for sending them to Malaysia on work permit visas for two years. Further inducement

was also given that a salary of 16 Ringgit each plus overtime plus accommodation would be provided to the victims. On such inducement of Lakhvir Singh, complainants handed over a sum of Rs.1.20 lacs and Rs.1.60 lacs to Lakhvir Singh. Accused Lakhvir Singh also showed them the visas. Thereafter, present petitioner took the complainants from Ludhiana to Chennai Airport on 10.03.2016 and made them to board the plane.

In para No.2 of the reply, it has also been recited that an amount of Rs.36,000/- and Rs.32,000/- came to be deposited in the bank account of the petitioner through the relatives of the complainants from Ludhiana and thereafter, petitioner handed over the passport and tickets as well as marriage invitation card to the complainants and sent them to Malaysia. On 01.03.2017, factum of deposit of amount of Rs.36,000/- and Rs.32,000/- in the bank account of the petitioner was ordered to be verified by the police. In pursuance of said direction, learned State counsel on instructions from ASI Sukhwinder Singh stated that the said amount was not deposited in the account of the petitioner, rather the amount was paid in cash to the brother of the petitioner namely Hari Singh who is also co-accused in the present case. Hari Singh has already been granted anticipatory bail by the court of Sessions.

Learned counsel for the complainant, however, vehemently opposed the bail on the ground that the petitioner is

the kingpin of the entire episode.

In the FIR, the only allegation is that the petitioner being agent got the victims boarded a flight from Chennai Airport. It was during course of investigation, subsequent facts came to fore which are suggestive of the fact that the amount of Rs.36,000/- + Rs.32,000/- was not deposited in the account of the petitioner, rather the same was paid in cash to Hari Singh.

In view of grant of anticipatory bail to Hari Singh, in my view, petitioner is also entitled for same treatment on parity basis.

In view of aforesaid, this revision petition is allowed. Petitioner is directed to appear before the Investigating Officer 16.03.2017 and in the event of his appearance before the Investigating Officer, he shall be released on anticipatory bail and he shall keep on joining the investigation as and when required. However, petitioner shall abide by the conditions incorporated under Section 438(2) Cr.P.C.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

10.03.2017
jjyoti Y.

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No