

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

**CRM-M-40786 of 2016 (O&M)
Date of Decision: January 30, 2017**

Amarjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

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

Mr. Gurinderjeet Singh, DAG, Punjab.

FATEH DEEP SINGH, J.

Learned counsel for the petitioner submits that the petitioner is not willing to effect a compromise.

Let arguments be heard.

The allegations against the petitioner in this anticipatory bail application under Section 438 Cr.P.C are that the petitioner remained in Italy from year 2009 till year 2013 and came and settled in Garhshankar. It is alleged by the complainant Paramjit Singh that accused comprising of petitioner Amarjit Singh along with Joga Ram and Hans Raj approached him and on the fraudulent pretext of getting him work permit and migration of England, promising to get him salary of 2000/- pounds demanded a sum of Rs.9,50,000/- and during the course of time, Hans Raj and Joga Ram who were known to the complainant got Rs.50,000/- in advance on 05.03.2015 and demanded another Rs.50,000/- in April, 2015. It is

subsequent thereto the accused told the complainant that his interview was to take place in December, 2015 and that the petitioner-Amarjit Singh would take him to England. It was on December, 2015 the petitioner met the complainant and told him that his interview is to take place on 26.12.2015 and told him to come to Delhi and to prepare a demand draft of Rs.4700/-. Complainant came with the petitioner to Delhi where a demand draft in the name of Poland Agency was made and got the documents including passport and the receipt and told the complainant to get the balance amount of Rs.5,00,000/-. It was on 15.02.2016 Amarjit Singh petitioner along with co-accused Hans Raj came to the house of the complainant and took the balance amount of Rs.5,00,000/- promising him to send him abroad.

The contentions of the learned counsel for the petitioner that the petitioner has not been assigned any role and that nothing is to be recovered from him and the amount, if any, is to be recovered from the co-accused.

Learned State counsel has stoutly opposed the grant of bail on the ground that there are specific allegations attributed to the petitioner of having received an amount and assured the complainant to migrate him to abroad and, thus, a fraudulent act on his part was very much evident from the allegations.

Appreciating the submissions, in view of the seriousness of the allegations and heinousness of the offence and that the custodial interrogation of the petitioner is very much essential and the apprehension of the State that if allowed bail the petitioner will influence the witnesses is not unfounded and keeping in view that the provisions of

Section 438 Cr.P.C. are to be sparingly used no ground to allow the present application is made out.

Dismissed.

(FATEH DEEP SINGH)
JUDGE

January 30, 2017

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