

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 202-A

CRM-M-44094-2016

Decided on : 20.03.2017

Aman Verma

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Prateek Pandit, Advocate, for the petitioner.

Mr. Neeraj Yadav, AAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

The State has filed a status report with regard to the investigations done by the police. The same is ordered to be taken on record. A copy of the same has been handed over to counsel for the petitioner.

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 Dyinga, District Kapurthala.

The allegations against the petitioner are that he, alongwith his uncle Harjit Singh @ Harjit Verma, has duped the complainant by accepting from him Rs. 18 lakhs on the pretext of sending his son to Australia.

Seeking anticipatory bail for the petitioner, learned counsel submits that the petitioner's wife also being an applicant to be sent abroad, was herself a victim at the hands of the main accused Hajit Singh @ Harjit Verma; the allegations against the petitioner are that he had received an

amount of Rs. 8.45 lakhs which amount was transferred by the petitioner to the account of the wife of the complainant's son as tuition fee for her admission in an institute in Australia; such transferred amount, on rejection of the admission, stands refunded to the wife of the complainant's son and under the interim orders passed by this Court, he has joined investigation.

Learned State counsel opposes the grant of anticipatory bail to the petitioner on the ground that there are serious allegations against him; recovery of cash received by the petitioner is to be made and that it further needs to be probed whether the petitioner is involved in similar offences qua other victims.

The case of the prosecution, as borne out from the record, is that the complainant's son Gurdev Singh was pursuing IELTS course from co-accused Harjit Singh @ Harjit Verma, who is the petitioner's uncle. Harjit Singh told the complainant that if he was keen to send his son to Australia he could help him to do so but for the same the complainant had to pay the required fee/commission. Lured in by the above proposal, the complainant agreed. Thereafter, Harjit Singh 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 of the above named two persons, the complainant transferred Rs. 1 lakh from his own account to the account of Arvinder Singh. On a subsequent date, Harjit Singh 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. Harjit Singh then told the complainant that he would not be able to execute his promise of sending the complainant's son abroad without involving the

petitioner to which the complainant agreed. Thereafter the complainant was visited by Harjit Singh and the petitioner. On such visit they demanded Rs.18 lakhs from him. Rs. 50,000/- was immediately given by the complainant to Harjit Singh, who after counting the money handed over the same to the petitioner. Both the petitioner and Harjit Singh 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 Harjit Singh, was handed over to them. Similarly, on 24.05.2014, the complainant had withdrawn Rs. 1.50 lakhs from his account which in the evening of the same day, on demand by the petitioner and Harjit Singh, 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 in the FIR reveal payments by the complainant to the petitioner to the tune of Rs. 5 lakhs in cash out of which Rs. 4.50 lakhs had been withdrawn by the complainant from his account on the same day on which the money is alleged to be handed over to the petitioner. In addition to the afore-referred amount of Rs. 5 lakhs, the status report filed by the State reveals that Rs. 8.45 lakhs paid by the complainant were deposited in the account of the petitioner on 03.04.2014 out of which Rs. 2 lakhs were withdrawn by the petitioner on that very day in cash, Rs. 2,34,450/- was transferred by him to his own wife Parneet Kaur and Rs.

4,57,250/- was transferred to the account of the wife of the complainant's son. The withdrawal of Rs. 2 lakhs and the transfer of Rs. 2,34,450/- made by the petitioner in favour of his wife Parneet Kaur, remains unexplained.

The petitioner, in connivance with his uncle Harjit Singh is alleged to have defrauded the complainant for huge sums of money on the pretext of sending his son abroad. Since the petitioner's wife was also an applicant for going abroad, therefore, it needs to be probed whether the petitioner sought to fund her application also with the money extracted from the complainant.

The money trail with regard to the amounts allegedly received by the petitioner through cheques, is required to be established and the amounts allegedly received by him in cash, need to be recovered.

Whether the petitioner had defrauded other persons like the complainant, also needs to be probed.

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