205-A

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

****

**CRM-M-13020-2018
Date of Decision: 16.04.2018**

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Sukhwinder Singh @ Nikka

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. GBS Dhillon, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. Arun Takhi, Advocate,
for the complainant.

<u>SUDIP AHLUWALIA J.</u> (ORAL)

This is a petition for anticipatory bail in case FIR No.171 dated 07.11.2017, under Sections 406 and 420 of the IPC and Section 24 of the Immigration Act, registered at Police Station Mukerian, District Hoshiarpur. The substance of the allegation in the FIR is that the complainant had sent her son abroad allegedly after making payment to the petitioner, who had undertaken to send the complainant's son abroad for that purpose. However, subsequently more money was extracted after an initial payment of ₹12 lacs, by way of opening of a Forex Account in the name of "Singhania Forex Private Limited". The further allegation in the FIR is that the boy in question was sent abroad, but in the month of August 2017, which was over two months after he was flown out of India, he called his parents and reported that they had been cheated.

[2]. The boy in question is still not traceable. Contention of the petitioner is that his client has been falsely framed in the case; that he was never running any business as a Travel Agent and on the contrary, was posted as an Assistant Sub Inspector in the Punjab Police from which he had to take voluntary retirement as he got entangled by the complainant which could have caused serious damage to his career. He admits that he purchased ticket for the victim boy only to help his parents since all of them belong to the same area but denied that he ever engaged himself in any kind of fraudulent activity. To substantiate this contention, copies of the flight ticket details of the victim boy, as well as the relevant Forex Card statement details which go to indicate that card was issued in the name of the said boy have been placed on record.

[3]. It is, however, argued on behalf of the State as well as the complainant that the total involvement of the petitioner is established in this particularly shady case, where even now the whereabouts of the victim are not known, from the fact that he had subsequently entered into an agreement with the complainant in the month of September, 2017, in which he had acknowledged that he would be making all efforts to trace out the said victim, and had even returned the money allegedly paid by the complainant side.

[4]. If the role of the petitioner is restricted to only having purchased the ticket for the victim on request of the complainant's side, this Court is at loss to understand as to how he could get access to the Forex Card statement details of the said victim, which in the normal course could not have been accessible except with the active co-operation of the either the card holder himself, or otherwise in a situation where the card was never

delivered to the intended account holder, which is the specific case of the complainant in this matter.

[5]. In the totality of the aforesaid circumstances, therefore, this certainly does not appear to be a fit case for granting the extraordinary relief of anticipatory bail to the petitioner since whereabouts of the victim boy even now are not known, and it is not clear as to how the petitioner could have got access to the classified information pertaining to the victim's Bank account located abroad.

[6]. Dismissed.

16.04.2018 **(SUDIP AHLUWALIA)**
Bhumika **JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No