

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

CRM-M-16114-2018(O&M)

Date of decision:-29.8.2018

Varinder Singh @ Velly

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.N.K. Verma, Advocate
for the petitioner.

Mr.Dhruv Dayal, Sr.D.A.G., Punjab.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner –
Varinder Singh @ Velly – an accused in FIR No.123 dated 16.11.2017,
under Section 376, 406, 420 IPC, registered at Police Station Badhni
Kalan, District Moga, Punjab.

Briefly stated, the facts of the case as per the prosecution
version are that the complainant (name not being mentioned to conceal
her identity and referred to as '*the prosecutrix*') daughter of Chand Singh,
resident of Daudhar Sakri submitted a written complaint addressed to
SHO, Police Station Badhni Kalan, in which she stated that in the year
2016, while she was doing work of marketing in a company at Mohali

then she met Varinder Singh @ Velly, accused in January, who represented to her that he was working as an immigration agent and he would send her to Canada for Rs.15 lakhs; that Varinder Singh @ Velly visited her house and had a talk with her parents for sending her abroad stating that he would take all the money after grant of visa; that the bargain was struck at Rs.13,50,000/-; that the accused took original passport from the complainant; that on 10.4.2017, Varinder Singh @ Velly came to the house of the prosecutrix stating that she had been granted visa for going to Canada and since no other family member of the prosecutrix was present, the petitioner had sexual intercourse with her without her consent by giving allurement to the complainant with a visa for Canada further threatening her that in case she disclosed the incident to her family, then things would be quite bad and he would not return her passport. According to the prosecutrix, when her family members returned home in the evening, the accused asked them to give Rs.5,00,000/-; that the amount was given to him; that on 14.4.2017 Varinder Singh @ Velly sent a message to the complainant on Whatsapp that she was to fly to Canada on 17.4.2017 at 2:30 a.m. and her ticket had been booked; that on 16.4.2017, the complainant along with Varinder Singh @ Velly, his wife, his friend, parents of complainant and uncle went to Delhi Airport where Varinder Singh @ Velly told the complainant that her flight had got late and she would have to go through Chennai; that thereafter Varinder Singh @ Velly along with his friend on the pretext of Chennai brought her to Mohali through local flight, kept her in a flat, took her mobile phone, made a call to her parents to arrange remaining money of Rs.8,50,000/-

and on 3.5.2017 the petitioner again had sexual intercourse with the complainant, when she was alone in her parental house; that then he sent her outside the village in a car along with his friend while he himself remained at the house; that he received Rs.8,50,000/- from the parents of complainant; that a sum of Rs.4,44,000/- was deposited in the account of complainant on various dates; that Varinder Singh @ Velly withdrew that money through ATM card; that the accused allured brother of complainant, who was in Dubai to send him to Canada; that he had taken a sum of 31,14,000/- from the complainant and her brother but he neither arranged their immigration to Canada nor returned the money.

Formal FIR was registered on the complaint. Accused was arrested in this case on 2.12.2017. After completion of investigation, he has been challaned and trial against him is stated to be pending. Out of 23 prosecution witnesses cited by the prosecution, five are said to have been examined. The statement of prosecutrix is also said to have been recorded. The petitioner had filed an application for regular bail in the Court of Sessions, which was declined by Additional Sessions Judge, Moga vide order dated 9.3.2018, as such, he has approached this Court with same request.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

The allegations against the petitioner - accused are very serious. He not only duped the complainant and her brother of more than

Rs.31,14,000/- on allurement of arranging their immigration to Canada but had sexual intercourse with her twice. Such type of person having a criminal bent of mind does not deserve any concession of regular bail since there is every possibility of his playing fraud with other persons on the pretext of sending them abroad and fleecing substantial amounts from them and sexually assaulting innocent girls. Such type of accused cannot be relied upon and there are every chances of his absconding, tampering with the prosecution evidence, indulging in criminal activities again and trying to escape the justice delivery system, if granted bail.

Therefore, finding no merits in the petition, the same stands dismissed.

29.8.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No