

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

CRM-M-23300-2018

Date of decision:-1.6.2018

Sunny Bajwa

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.Sandeep Kumar Bokolia, Advocate
for the petitioner.

Mr.Saurav Khurana, DAG, Punjab.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Sunny Bajwa, an accused in FIR No.6 dated 13.1.2018, under Section 24 of Immigration Act and Sections 406 and 420 IPC, registered at Police Station Sadar, Kurali, District SAS Nagar, Mohali.

Briefly stated, the facts of the case as per prosecution story are that complainant Jasvir Singh son of Rajpal Singh, resident of House No.387, Ward No.1, Kurali, District Ropar aged about 50 years submitted a written complaint addressed to IG Patiala Range, Patiala seeking taking of action against Sunny Bajwa alias Japani son of Avtar Singh (present petitioner). *Inter alia* in the complaint, he had contended that on coming

to know that Sunny Bajwa alias Japani had been sending people abroad, he contacted him in connection with migration of his son Naginder Singh alias Nitin Rana to Canada; that Sunny Bajwa @ Japani assured to get the needful done on payment of Rs.20 lakhs. Accordingly, he gave passport of his son along with Rs.50,000/-, thereafter paid another sum of Rs.9,50,000/- and on 3.5.2016, the petitioner sent ticket from Delhi to Toronto for 12.5.2017 and confirmation letter on e-mail ID of his son. According to the complainant, he contacted Sunny Bajwa @ Japani, who asked him to send his son at Delhi Airport on 12.5.2016 stating that he would meet him and would provide him ticket and visa along with work permit; that Naginder Singh @ Nitin Rana son of complainant reached Delhi at the given date but the petitioner was not there; that his mobile phone was found to be switched off, as such Naginder Singh @ Nitin Rana returned; that the petitioner was contacted and he assured that he would return money to the complainant but did not do so, rather gave threats to the complainant. On the basis of that written complaint, formal FIR was registered.

Apprehending his arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, his such request was declined by learned Additional Sessions Judge, SAS Nagar (Mohali) vide order dated 18.5.2018. As such, the petitioner has approached this Court asking for the similar relief.

Notice of the petition was given to respondent – State, which put in appearance through counsel.

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

I do not find any merit in the petition. The allegations against the petitioner are very serious of fleecing a substantial sum of Rs.10 lakhs in total from the complainant on allurements of sending his son abroad without meaning to do so.

In case of *State represented by the C.B.I. Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268*, Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful informations.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation to find out as to how many other innocent persons have been cheated by him in similar way and who are the other persons involved in the racket besides other material details. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for.

Thus finding no merit in the petition, the same stands dismissed.

1.6.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No