

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

CRM-M-34590-2017

Date of decision:-23.2.2018

Amrik Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.Sarju Puri, Advocate
for the petitioner.

Mr.Ramandeep Sandhu, Sr.DAG, Punjab.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Amrik Singh, an accused in FIR No.122 dated 18.7.2017, under Sections 420/406 IPC, registered at Police Station Garhshankar, District Hoshiarpur.

Briefly stated, facts of the case as per prosecution story are that complainant – Satnam Singh son of Mehnga Ram, resident of village and Post Office Possi, Police Station Mahilpur, District Hoshiarpur had submitted a written complaint to SSP, Hoshiarpur seeking taking of action against Amrik Singh son of Ajit Singh and Ajit Singh son of Avtar Singh,

residents of village and Post Office Rampur, Police Station Garhshankar, District Hoshiapur for committing cheating alleging that both the persons are engaged in work of sending people abroad. According to the complainant, he had given a sum of Rs.1,00,000/- to wife of Amrik Singh, namely, Paramjit Kaur for sending his brother Surinder Pal abroad in the year 2015 and furthermore he had given another amount of Rs.2,75,000/- to Ajit Singh, Panch in the year 2016; that both the accused had promised that they would send brother of the complainant, namely Surinder Pal to a foreign country but they neither did so nor returned the money of complainant; that the complainant convened Panchayats twice; that the accused rather beat up a Panch, who had stated that those accused had taken money from the complainant in his presence; that even accused Ajit Singh had admitted before the police having received money from the complainant. After registration of the FIR, the matter was investigated.

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, Hoshiarpur vide order dated 4.9.2017. As such, the petitioner has approached this Court asking for 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.

After hearing the rival contentions, I find that it is certainly not a fit case for grant of pre-arrest bail. There is a strong tendency

amongst people of Punjab to migrate abroad in search of greener pastures and to fulfil that desire they can go to any extent. The wily and cunning persons take advantage of that fact posing as travel agents and fleecing innocent persons of substantial amounts of money by selling them dreams of their migration. Many travel agents adopt very dubious and dangerous means for taking people abroad in the process quite often many casualties take place. Such type of elements have to be dealt with sternly. Furthermore, people repose faith in the persons, who promise to ensure their migration abroad and rarely ask for any receipt etc. after making payment so demanded and depositing the passport. Therefore, there could not possibly be any document evidencing payment of money and depositing of passport.

The custodial interrogation of the petitioner is definitely required for complete and effective investigation and getting the recovery effected. A perusal of the order dated 4.9.2017 passed by learned Additional Sessions Judge, Hoshiarpur goes to show that counsel for the petitioner had earlier stated that petitioner was ready for amicable settlement but thereafter he stated that the petitioner was unwilling, which points out that there is merit in the case of the prosecution. If there was no such dispute between the complainant and accused Amrik Singh then there was no question of making a offer for amicable settlement.

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.

23.2.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No