IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-38406 of 2018.
Decided on:-September 25, 2018.

Satwinder Singh alias Kala.

………Petitioner.

Versus

State of Punjab.

………Respondent.

CORAM: ***HON'BLE MR. JUSTICE HARI PAL VERMA.***

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Present:- Mr. Rajesh Pal, Advocate
for the petitioner.

Mr. Surinder Pal Singh Tinna, Addl. A.G., Punjab.

HARI PAL VERMA, J.

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.42 dated 01.03.2016 under Sections 420 and 406 IPC registered at Police Station Mukerian, District Hoshiarpur.

As per the FIR, petitioner along with other co-accused Behlinder Kaur collected Rs.25,76,000/- from complainant Rupinder Singh and Dinesh Kumar on the pretext of sending them abroad i.e. America. Complainant Rupinder Singh son of Suresh Kumar is doing mechanical job at Kota Bundi (Rajasthan) along with one Shiva Yadav. Petitioner Satwinder Singh is friend of Shiva Yadav and called the complainant on his mobile phone No.9582186074 and stated that he has an American visa and if anybody is interested in going abroad, he (petitioner) be informed. The complainant asked the petitioner that Dinesh Kumar, who is brother-in-law of the complainant is interested to go to America. Thereafter, the petitioner allured the complainant and succeeded in getting about Rs.11 lakh in his account at HDFC Bank, Hoshiarpur. After this, the petitioner told the complainant that his partner Behlinder Kaur is coming to India from abroad, who shall bring the remaining papers and the complainant should pay the balance amount to her. Accused Behlinder Kaur after returning from abroad came to the village of the complainant i.e. village Simbli, where the complainant and his brother-in-law Dinesh Kumar son of Raj Kumar, Pawan Kumar son of Banarsi Dass and Mamta wife of Pawan Kumar were present. Accused Bhalinder Kaur finalised a deal at Rs.51 lakh i.e. Rs.17 lakh per person and took away their passports. Thereafter, on asking of Behlinder Kaur, the complainant deposited Rs.11,06,000/- in two bank accounts at different time intervals. Thereafter, Behlinder Kaur gave visa, coloured documents and air tickets for going abroad and had taken another sum of Rs.3 lakh by coming to their village. She told that the balance amount would be taken on reaching America. She had informed that the flight will take off on 27.09.2015 at 06.05 A.M. Therefore, the complainant should reach Delhi on 26.09.2015. However, after reaching Delhi, they tried their best to contact her on her mobile phone No.9872679251, but she could not be contacted. After waiting for 2-3 days, they returned back. In this manner, the allegation is that the petitioner along with co-accused Behlinder Kaur cheated the complainant party of Rs.25,76,000/- by alluring them to send them abroad.

Learned counsel for the petitioner has argued that no money has been paid and the FIR has falsely been registered against the petitioner. The complainant has neither seen the petitioner nor met him ever. The petitioner had gone abroad to Georgia in the year 2010 where he languished in jail and from where he was deported in the year 2018 by Georgian authorities. He is in custody in this case since 05.12.2017.

On the other hand, learned State counsel has filed the status report by way of affidavit of Ravinder Singh, PPS, DSP, Sub Division Mukerian, District Hoshiarpur in Court today, which is taken on record.

Learned State counsel has argued that the police of Police Station Mukerian has obtained the details of account No.GE69TB7638945163700001 in which Rs.568803.45 deposited by Rupinder Singh son of Suresh Kumar, resident of village Rakri, Police Station Talwara were transferred. Besides this, an amount of Rs.98964.87 deposited by Dinesh Kumar son of Raj Kumar, resident of Simbli, Police Station Mukerian were also transferred. The petitioner is the beneficiary having Swift Code: TBCBGE22, Passport No.E7514300 and Bank Name: TBC Bank (USA).

I have heard learned counsel for the parties.

The allegations against the petitioner are quite serious. In connivance with co-accused Behlinder Kaur, he collected a huge amount of money so as to send the complainant and other affected persons abroad i.e. to USA under fake documents. On the assurance given by the petitioner and co-accused Behlinder Kaur, the complainant and other affected persons reached Delhi on 26.09.2015 and kept on waiting for 2-3 days and then they realized that they have been cheated. The money has come to the bank account of the petitioner. Moreover, the petition i.e. ***CRM-M-41826 of 2017*** filed under Section 438 Cr.PC for anticipatory bail by co-accused Bhalinder Kaur has already been dismissed as withdrawn vide order dated August 09, 2018 passed by this Court. Therefore, this Court finds that no ground for grant of regular bail to the petitioner is made out.

Accordingly, the present petition, being devoid of any merit, is dismissed.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations.

(HARI PAL VERMA)
JUDGE

September 25, 2018
Yag Dutt

Whether speaking/reasoned: Yes

Whether Reportable: No