

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38711-2018

Date of decision:10.09.2018

Jasvir Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Vinay Kumar Gupta, Advocate
for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

The petitioner seeks grant of anticipatory bail in case registered vide FIR No.14 dated 12.02.2016 under Sections 420/120-B of Indian Penal Code, 1860 Police Station Sadar Kotkapura, District Faridkot.

The FIR was lodged at the instance of complainant-Baldev Singh wherein it has been alleged that Jasvir Singh s/o Santokh Singh (petitioner) had told the complainant that his brother-in-law (*Jija*) Manjit Singh is an agent and sends boys abroad and that one Bohar Singh had asked him to send his son abroad. The complainant alleged that aforesaid

Jasvir Singh said that in case the complainant wanted his son Harwinder Singh to be sent abroad then they can arrange for the same for an amount of ₹1.5 lakhs. It is alleged that in January, 2015 the accused Jasvir Singh son of Santokh Singh, Manjit Singh, Jasvir Singh son of Satpal Singh and Darshan Singh came to his house. The complainant as well as Bohar Singh upon an assurance given by the accused that they would send their sons abroad if an amount of ₹3 lakhs i.e. 1.5 lakhs for each of boys is given to them handed over the said amount to Jasvir Singh who further handed over the same to Manjit Singh in their presence. He further alleged that subsequently another demand of ₹30,000/- was raised which was deposited in account No.02512191010129 and thereafter another amount of ₹9,000/- was deposited in the said account on 17.02.2015. It is further alleged that subsequently an amount of ₹5,000/- was deposited in account No.005801572861 on 13.05.2018. However neither the son of complainant nor son of Bohar Singh were sent abroad and nor their money was returned.

Notice of this application was issued to the State. Learned State counsel has opposed the petition and prayed for dismissal of the same.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that in fact an inquiry was conducted by S.P. (D) who had found the allegations to be false. He has further submitted that in any case even as per the FIR it is not the petitioner who is an agent and that in these circumstances the petitioner deserves the concession of anticipatory bail.

On the other hand the learned State counsel submitted that pursuant to the inquiry conducted by S.P. (D), matter was again inquired into by S.P. (Headquarters) and who had found that the petitioner was indeed involved in the entire episode and had played an active role in duping the complainant and Bohar Singh.

Having heard learned counsel for the petitioner and also the learned State counsel and bearing in mind that the petitioner is specifically named in the FIR and categorical allegations have been levelled against him to the effect that he had introduced the complainant to the co-accused and that even at the time of handing over ₹3 lakhs the petitioner was present and the said amount had been handed over to him who further handed it over to Manjit Singh the complicity of the petitioner is writ large and is evident. Consequently finding no merit, the petition is hereby dismissed.

It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

This petition stands accepted accordingly.

(GURVINDER SINGH GILL)
JUDGE

10.09.2018
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No