

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

CRR No. 2835 of 2017

DATE OF DECISION :- March 01, 2018

Gurdev Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. Jagjit Singh, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

This Revision Petition is directed against the order dated 10.4.2017 passed by Additional Sessions Judge, Jalandhar, vide which he had dismissed an application under Section 239 Cr.P.C. moved by applicant-accused Gurdev Singh for discharge.

Briefly stated the facts of the case are that F.I.R. No. 63 dated 18.4.2015 for offences under Sections 406, 420, 364, 368, 120-B IPC was registered with Police Station Mehatpur, District Jalandhar on the basis of a written complaint dated 6.8.2014 submitted by complainant Kulwant Singh in which he has stated that he is a resident of village Madiala, Tehsil Nakodar, District Jalandhar; that son of his maternal aunt by name of Jaswinder Singh @ Binda is residing in England and he has asked such Jaswinder Singh @ Binda to arrange his migration to England; that after some time Jaswinder Singh @ Binda met a travel agent namely Vicky through a girl namely Pardeep Kaur. Vicky then talked to the complainant and promised to settle him down in England and in return asking for payment of Rs.5 lacs. Thereafter, Vicky contacted the complainant telephonically and offered to send him to Canada on

the basis of work permit on payment of Rs.17 lacs i.e. Rs. 2 lacs in advance and Rs.15 lacs on arrival in Canada. According to the complainant, he had given Rs.50,000/- and his Passport to son of Vicky at Mehatpur Bus Stand. A sum of Rs.1,50,000/- was paid to Vicky by Jaswinder Singh @ Binda in England. Thereafter, at asking of Vicky, the complainant along with three other boys went to Delhi on their way to Bombay. One of the boys dropped at Delhi and three of them reached Bombay. Vicky introduced them to a person namely Sandeep Pandit. Sandeep Pandit took them to a hotel in Mahandra Nagar. After several days, only complainant was left in the hotel, whereas the other boys returned back. Sandeep introduced the complainant with one Rajiv. Ultimately, complainant along with three other boys were taken to Calcutta by Sandeep where they came across one Rajiv and his another friend Vinod Aggarwal. They were taken to Nepal, however, they were abducted and forced to swallow sleeping pills. They were given beatings also. They were asked to speak to their families saying that they had reached Canada and to make payment of balance amount of Rs.15 lacs to Vicky. The amount was accordingly collected from the house of complainant. The complainant and other boys were beaten up and tortured for several weeks and thereafter they were released. The complainant reached home with great difficulty. The complainant sought taking of action against the culprits.

The matter was enquired into by the police authorities. During course of which it came out Gurdev Singh son of Darshan Singh resident of village Ladhra, Police Station Phillaur, District Jalandhar has also played a part in committing fraud with complainant Kulwant Singh by taking him to West Bengal on the pretext of sending him to Canada, putting in detention and forcing him to talk with his mother Narinder Kaur asking her to pay Rs. 12 lacs.

The accused have been arrested in this case along with other co-accused. He had moved an application under Section 239 Cr.P.C. for being discharged for the reason that there was no allegation against him in the F.I.R. or in the statement of the complainant.

That application was dismissed by Sessions Judge, Jalandhar observing that name of the applicant surfaced during enquiry and it was found that an amount of Rs. 4 lacs had been received by him from the other accused involved in the sequence of events and a statement was also recorded during enquiry in which he revealed that amount in question was received by him from his brother-in-law, who is a resident of England.

A perusal of the police proceedings below the F.I.R. also goes to show that the present petitioner was found to be a part of the conspiracy in playing fraud with the complainant and he had taken him to West Bengal on the pretext of sending him to Canada detaining him and forcing him to talk to his mother Narinder Kaur to pay Rs.12 lacs later on. Therefore, he comes out to be part of conspiracy.

The Court below has justified in dismissing his application for discharge. There is no illegality or infirmity with such order which might have called for interference of this Court while exercising the revisional jurisdiction.

There is no merit in this Criminal Revision Petition, therefore, the same stands dismissed.

(H.S. MADAN)
JUDGE

March 01, 2018

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No