

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-2580-2019 (O&M)
Date of Decision:-30.1.2019

Sanuka

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ritesh Pandey, Advocate for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.135 dated 11.7.2017 at Police Station Civil Line, Batala, District Batala under Section 420 of Indian Penal Code, 1860.

The FIR was lodged at the instance of Ranjit Singh, wherein it has been alleged that while he was travelling in a train, he met the petitioner Sanuka, who represented that he is a travel agent and sends persons to America. The petitioner, taken in by the said representation, agreed to avail his services not only for the petitioner himself but for the petitioner's brother and also for two of the friends namely Dalwinder Singh and Jaswant Singh. It is alleged that an amount of ₹8 lacs per head was given by each of the said four persons including the complainant, out of which, they had transferred an amount of ₹2,20,800/- each through RTGS in the bank account bearing No.6276000100021148 of the accused. It is alleged that despite having

taken the said amount, the complainant and others were not sent abroad and that in this manner, the accused had cheated the complainant and others.

The learned counsel for the petitioner has submitted that infact there was a clear understanding between the complainant and the accused regarding the chances of issuance of 'VISA' not being 100% and since the embassy had refused to grant 'VISA' to the complainant and to others, therefore, a part of their amount was returned through RTGS. The learned counsel, in this regard, has drawn the attention of this Court to the bank account statement of the petitioner annexed with the petition as Annexure P-3, which indicates that on 19.9.2014, an amount of ₹1 lac was transferred from the bank account of the petitioner into the bank account of Dalwinder Singh. Similarly another amount of ₹1 lac was transferred into the bank account of Manjit Singh on 23.9.2014.

The learned counsel has submitted that infact the petitioner had received only an amount of ₹2,20,800/- per head and not ₹8 lacs per head as claimed by the complainant and that the petitioner is willing to pay the remaining amount as well. The learned counsel has further drawn the attention of this Court to letter dated 28.7.2016 and also to the legal notice dated 12.6.2015 (Annexure P-5), wherein it is mentioned that the firm of the petitioner had been always willing and ready to return the amount deposited by the complainant after deducting the consultancy charges/file process charges etc.

Opposing the petition, the learned State counsel has submitted that infact the petitioner had indeed received an amount of ₹8 lacs per head and a substantial part of the same was received by cash. It has further been

submitted that, in any case, even if the bank account statement is taken to be correct, still it is only an amount of ₹2 lacs, which is stated to have been paid back by the petitioner despite the fact that it was way back in the year 2014 that the complainant and others had paid ₹32 lacs.

Having considered rival submissions addressed before this Court and the fact that even from the bank account statement it cannot be discerned that the entire amount has been returned, this Court does not find any special case for grant of bail to the petitioner. There is no merit in the petition and the same is hereby dismissed.

30.1.2019

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

(Gurvinder Singh Gill)
Judge