

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

(I)

CRM-M-5087-2019 (O&M)
Date of Decision:-9.5.2019

Atul Anand

... Petitioner

Versus

State of Punjab

... Respondent

(II)

CRM-M-12503-2019 (O&M)

Surjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Inderjit Sharma, Advocate,
for the petitioner in CRM-M-5087-2019.

Mr. Lakhwinder S. Lakhanpal, Advocate,
for the petitioner in CRM-M-12503-2019.

Ms. Rashmi Attri, Assistant Advocate General, Punjab.

Mr. Shubhashish Kukreti, Advocate for the complainant.

GURVINDER SINGH GILL, J.(Oral)

This order shall dispose of the aforesaid two petitions filed on
behalf of petitioners Atul Anand and Surjit Singh seeking grant of
anticipatory bail in respect of a case registered against them vide FIR
No.220 dated 15.11.2018 at Police Station Canal Colony, District Bathinda

under Sections 420 and 120-B of Indian Penal Code, 1860 and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012.

The FIR was lodged at the instance of Harpreet Singh son of Jagdev Singh, wherein it has been alleged that he came in contact with Surjit Singh (retired Inspector) who represented to him that his son namely Harpreet Singh Sekhon is handling immigration work and that in case the complainant was interested, then he should contact Harpreet Singh Sekhon, who could arrange a 'VISA' for Canada for the complainant. The complainant along with his relative Gaganpreet Kaur went to meet Harpreet Singh Sekhon in his office at Jalandhar, who assured them that he could send them to Canada and for which they would have to pay ₹25 lacs in advance. Said Harpreet Singh Sekhon introduced the complainant and Gaganpreet Kaur to one Navdeep Sharma who represented himself to be Managing Director of "Dream Success Immigration Consultant". An amount of ₹4 lacs in cash was handed over to Harpreet Singh Sekhon, Surjeet Singh, Jashanpreet Singh and Harleen Kaur on 30.9.2017. Another amount of ₹1.5 lacs, in cash was handed over to Navdeep Sharma on 5.10.2017 in his office situated in Jalandhar. An amount of ₹1.6 lacs is alleged to be deposited in their account on 21.11.2017. Thereafter an amount of ₹3.94 lacs and an amount of ₹3 lacs is stated to be given to accused Harpreet Singh Sekhon and Navdeep Sharma in the month of January, 2018 apart from another amount of ₹35,000/-. Gaganpreet Kaur who was also interested in going abroad is also stated to have deposited amount of ₹90,000/- on 16.10.2017 and ₹25,000/- on 9.11.2017, ₹2.96 lacs on 15.1.2018 and thereafter an amount of ₹5.5 lacs is alleged to be given to Harpreet Singh Sekhon and

Jashanpreet Singh in front of Gurudwara Dukh Niwaran Sahib. It is further alleged that Gaganpreet Kaur gave her A.T.M. Card of HDFC Bank to Harpreet Singh Sekhon who withdrew an amount of ₹1,31,500/- on different dates and in this manner the aforesaid accused received about ₹26 lacs on the pretext of sending them abroad. It is alleged that despite having taken an amount of ₹26 lacs, the complainant and Gaganpreet Kaur were not sent to Canada and when they demanded their money back they were threatened by the accused.

The learned counsel for the petitioner Atul Anand has submitted that he has been nominated as an accused much after lodging of the FIR and that a perusal of the FIR shows that he is nowhere named and no role is attributed to him. As per the FIR, the amount in question was paid on different occasions to Surjit Singh, Harleen Kaur, Jashanpreet Singh and Navdeep Sharma.

The learned counsel of the petitioner Surjit Singh has submitted that he has falsely been implicated in the present case simply on account of the fact that he happens to be father of Harpreet Singh Sekhon and that even as per the FIR, the only role attributed to him is that he had initially suggested to the complainant to contact his son, who was into immigration services.

Opposing the petition, the learned State counsel has submitted that as far as the petitioner Atul Anand is concerned, during the course of investigation it has surfaced that he was also in league with the remaining accused and posed himself as an advocate and that although he is not named in the FIR, but the police has laid its hands on a CD, which contains

recording of audio conversation, wherein he has admitted his involvement in the occurrence. The learned State counsel has further submitted that as far as petitioner Surjit Singh is concerned, he is specifically named in the FIR and is also alleged to have received some amount, out of the amount of ₹26 lacs paid by the complainant and that in these circumstances, no case for grant of bail is made out.

Having considered rival submissions addressed before this Court, I find that as far as accused Atul Anand is concerned, there is certainly no reference to him in the FIR. So much so, there is no allegations to the effect that any part of the amount of ₹26 lacs was ever handed to said Atul Anand or that he has held out any representation to the complainant that he would send the complainant abroad. In these circumstances, in my opinion, the petitioner Atul Anand deserves the concession of anticipatory bail. The petition filed on behalf of petitioner Atul Anand, as such, is accepted and the interim directions issued by this Court vide order dated 4.2.2019 are hereby made absolute subject to the condition that the petitioner Atul Anand shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

As far as the case of the petitioner Surjit Singh is concerned, he is specifically named in the FIR as he had held out a representation to the complainant that his son is into immigration services and could send the complainant abroad. Further, there are also allegations to the effect that he had also received a part of the amount of Rs.26 lacs. In these circumstances, no special case for grant of anticipatory to the petitioner Surjit Singh is made

out. The petition i.e.CRM-M-12503-2019 filed on behalf of petitioner Surjit Singh, as such, is dismissed.

9.5.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No