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

CRM-M-5596-2019 (O&M)
Date of Decision:- 7.3.2019

Navdeep Kumar … Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vivek K. Thakur, Advocate, for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Shubhashish Kukketi, Advocate, for the complainant.

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GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.220, dated 15.11.2018, registered at Police Station Canal Colony, Bathinda, under Sections 420 and 120-B of Indian Penal Code, 1860 and under Section 13 of the Punjab Prevention of Human Smuggling Act, 2012.

2. 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 Jallandhar, 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.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that it is in fact Surjit Singh and his son Harpreet Singh Sekhon, who were the main accused who had allegedly received the substantial amount out of ₹26 lacs, allegedly paid by the complainant. The learned counsel has further submitted that in any case the petitioner is holding a valid licence of immigration consultancy and as such cannot be said to have held out false promises and was competent to deal with and transact with prospective customers. Learned counsel has further submitted that in any case the amount of ₹90,000/- allegedly received by the petitioner has already been returned back to the complainant and Gaganpreet Kaur.

4. Opposing the petition, learned State counsel has submitted that the petitioner was actively associated and involved with his co-accused Harpreet Singh Sekhon and Surjit Singh and all of them had conspired together to defraud the complainant and Gaganpreet Kaur of a huge amount. Learned State counsel has further pointed out that the alleged licence (Annexure P-1) issued in favour of the petitioner was issued on 3.7.2018 and that as such as on the date of transacting with the petitioner, the petitioner was not holding any valid licence or

authorization. A prayer has thus been made for dismissal of the petition.

5. Having considered rival submissions addressed before this Court and bearing in mind the manner of fraud and the amount involved and that the petitioner as on date of receipt of money was not holding a valid licence for extending any immigration and consultancy services, this Court does not find any special case for grant of anticipatory bail.

6. The petition is sans any merit and is dismissed.

March 7, 2019
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No