

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

**(I)** **CRM-M-22721-2018 (O&M)**  
**Reserved on: 30.1.2019**  
Date of Decision:- 11.2.2019

|                 |        |                |
|-----------------|--------|----------------|
| Chaman Lal      |        | ... Petitioner |
|                 | Versus |                |
| State of Punjab |        | ... Respondent |

**(II)** **CRM-M-40863-2018 (O&M)**

|                 |        |                |
|-----------------|--------|----------------|
| Darshan Dhanda  |        | ... Petitioner |
|                 | Versus |                |
| State of Punjab |        | ... Respondent |

**(III)** **CRM-M-26459-2018 (O&M)**

|                 |        |                |
|-----------------|--------|----------------|
| Bhola Singh     |        | ... Petitioner |
|                 | Versus |                |
| State of Punjab |        | ... Respondent |

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. G.K.Hundal, Advocate, for the petitioner  
in CRM-M-22721-2018.

Mr. Harinder Singh, Advocate, for the petitioner  
in CRM-M-40863-2018.

Mr. Narinder Singh Dadwal, Advocate, for the petitioner  
in CRM-M-26459-2018.

Ms. Simranjeet Kaur, AAG, Punjab.

Mr. Deepak Kumar, Advocate, for the complainant.

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**GURVINDER SINGH GILL, J.**

1. This order shall dispose of the above mentioned three petitions as the same arise out of the same FIR wherein petitioner Chaman Lal, Darshan Dhanda and Bhola Singh, have approached this Court seeking grant of anticipatory bail in respect of a case registered against them vide FIR No.119, dated 20.4.2018, registered at Police Station Phillaur, District Jalandhar, under Sections 406 and 420 of IPC and Section 13 of Travel Profession Regulation Act.
2. The FIR was registered at the instance of Harjinder Singh wherein he has alleged that he had told his cousin Chaman Lal that he wants to go abroad, upon which Chaman Lal replied that he is in touch with some travel agent who could send the complainant to 'Cyprus'. It is alleged that Chaman Lal called the complainant to his workshop where Chaman Lal's son Bhola Singh was also present and they demanded complainant's Passport and an amount of ₹50,000/- which was given by the complainant, who was present along with his nephew Vinay, to aforesaid Chaman Lal and Bhola Singh on 1.1.2017. It is alleged that after about 2 months, the aforesaid persons handed over a copy of Visa of 'Cyprus' to the complainant and demanded another amount of ₹1.25 lacs which was also given by the complainant to both the accused. However, it was found that the Visa

shown to the complainant was forged and thereafter the complainant asked Chaman Lal, his son Bhola Singh and Darshan Chadha, agent to return his money but they did not return the amount and assured that they would send the complainant to 'South Africa' for which he would have to pay an amount of ₹3.70 lacs. It is alleged that thereafter the accused on 10.8.2017 handed over a Visa to 'South Africa' and demanded an amount of ₹3.70 lacs and assured that they would also arrange a ticket within 3-4 days. The complainant, on 15.8.2017 gave an amount of ₹1.95 lacs to Chaman Lal and Bhola Singh, at their shop. Subsequently, on the asking of the accused, the complainant, on 17.8.2017 handed over another amount of ₹80,000/- to Bhola Singh. It is alleged that Chaman Lal and Bhola Singh prepared an agreement wherein it was agreed that they would get the complainant a permanent job in 'South Africa' and would arrange a Visa for 3 years and upon their failure to do so they would return an amount of ₹4.50 lacs to the complainant. The complainant alleged that the accused however, did not do the needful and thus cheated him for an amount of ₹4.50 lacs.

3. Notice of the aforesaid petitions was issued to State.
4. Learned counsel for the petitioner(s) has submitted that they have falsely been implicated in the present case and that there is no evidence to establish that the amount, as mentioned in the FIR had indeed been handed over by the complainant to the accused.

5. Learned counsel for petitioner-Darshan Dhanda (in CRM-M-40863-2018) has submitted that in fact even as per the allegations levelled in the FIR, it is nowhere mentioned that he had ever held out any promise to the complainant and that in any case he has effected a compromise with the complainant and has given an amount of ₹1.50 lacs to the complainant and has already joined investigation.
6. Opposing the petitions, learned State counsel has submitted that in view of the fact that specific categorical allegations has been levelled in the FIR, no case for grant of bail is made out.
7. Having considered rival submissions addressed before this Court and bearing in mind the nature of allegations, it is certainly a case which would require interrogation more particularly qua accused Chaman Lal and Bhola Singh. As far as petitioner-Dharshan Dhanda is concerned, he has not only joined investigation but has also effected a compromise with the complainant and has paid an amount of ₹1.50 lacs, which has been admitted by the complainant. Said Darshan Dhanda is aged 62 years. In view of the aforesaid position, while Dharshan Dhanda on account of the aforesaid facts deserves the concession of bail, the other two petitions filed on behalf of Chaman Lal and Bhola Singh are hereby dismissed.
8. Petition bearing No.CRM-M-40863-2018, filed on behalf of Darshan Dhanda stands accepted and interim directions issued vide order dated 17.9.2018 are made absolute subject to the condition that petitioner-Darshan Dhanda shall appear and join the investigation as and when called upon to do so and cooperate with the Investigating Officer and

shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

- 9. Petitions filed on behalf of Chaman Lal and Bhola Singh i.e. CRM-22721-2018 and CRM-M-26459-2018 are hereby dismissed.
- 10. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

**February 11, 2019**  
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**( GURVINDER SINGH GILL)**  
**JUDGE**

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|----------------------------|----------|
| Whether speaking /reasoned | Yes / No |
| Whether Reportable         | Yes / No |