

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

**Crl. Misc. No.M-26548 of 2019 (O&M)
Date of Decision: November 26, 2019**

Gursewak Singh

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Jagmeet Singh, Advocate
for the petitioner (s).

Mr. Avtar Singh Sandhu, Addl. A.G. Punjab.

Ms. Rupinder Kaur Thind, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

This is second petition filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.18 dated 27.01.2019 registered for the offences punishable under Sections 420 read with Section 120-B of Indian Penal Code, at Police Station Chattiwind, District Amritsar Rural.

Heard.

As per the allegations in the FIR, petitioner had allured the complainant to send his son to Italy via Turkey on receipt of ₹9,50,000/-. Payment of ₹5,40,000/- was made to the petitioner through RTGS and remaining payment was made in cash when the visa and tickets for son of complainant was given. On 09.09.2017 son of complainant left for Turkey, where Jaggu @ Sidhu met him and took him to his home and kept his passport, visa and 6000 Euro with him. Whereabouts of son of complainant

after 20.11.2017 are not known.

Learned counsel for the petitioner submits that the amount received through RTGS has been returned to the complainant and he is not involved in deal of sending the son of complainant to Turkey.

Learned State counsel assisted by learned counsel for the complainant submits that this is second bail application filed by the petitioner. His earlier bail application was dismissed as withdrawn. No new circumstance has been pointed out by the petitioner while filing this application. Custodial interrogation of the petitioner is required as the whereabouts of son of complainant, who was sent to Turkey, are not known. The return of part of the deal amount does not absolve the petitioner from offence committed by him.

Admittedly, earlier bail application filed by the petitioner was withdrawn. As per submission of learned State counsel, whereabouts of son of complainant are not known for the last 2 years and are to be verified from the petitioner, who, as alleged, was instrumental in sending him to Italy via Turkey on receipt of ₹9,50,000/-.

Keeping in view the above facts, I do not find any reason to exercise the discretionary power of this Court to extend the benefit of anticipatory bail to the petitioner.

This petition has no merits. Dismissed.

November 26, 2019
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No