

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40355-2019 (O&M)
Date of decision: 21.11.2019

Ranjit Singh @ Rana

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sanjeev Duggal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Vivek Thakur, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

This is 2nd petition for grant of regular bail in FIR No.103 dated 10.11.2017 under Sections 420 & 406 IPC, Section 24 of Immigration Act, Section 4 of Human Trafficking Act and Section 13 of Punjab Prevention of Human Smuggling Act, 2012, registered at Police Station Bholath, District Kapurthala.

The first petition was dismissed as withdrawn on 19.03.2019 with liberty to the petitioner to file fresh petition, after statement of the complainant is recorded.

Learned counsel for the petitioner submits that as per the FIR, registered at the instance of Mahinder Singh, it is alleged that he had two sons

Sukhpreet Singh and Jaspreet Singh. Jaspreet Singh wanted to go to USA. His brother-in-law Pargat Singh had a talk with Navdeep Singh in this regard and in January, 2017, Pargat Singh along with present petitioner Ranjit Singh @ Rana came to his house. At that time, his wife and elder son Sukhpreet Singh were present. Petitioner Ranjit Singh @ Rana induced the complainant that he will manage to send his son abroad, as he had already sent many persons to America and demanded a sum of Rs.32,50,000/-. Thereafter, a sum of Rs.5.00 lacs was given to the travel agent in the presence of one Balwinder Singh. After 2-3 days, petitioner Ranjit Singh @ Rana (travel agent) took the passport and other documents along with Rs.5.00 lacs and signatures of his son on blank stamp papers for the purpose of procuring the visa. Later on, the petitioner informed that visa is granted for Navdeep Singh and Jaspreet Singh and he again demanded Rs.5.00 lacs, which were also given in the month of February, 2017. On 04.02.2017, the petitioner took Jaspreet Singh and Navdeep Singh, by stating that flight is booked and they were sent on 19.02.2017. After two days, the complainant received a call from Jaspreet Singh that the agent has cheated them, as instead of sending them to USA, he had sent to Surinam in South America. Upon this, the complainant went to the house of petitioner Ranjit Singh @ Rana, who assured that Jaspreet Singh and Navdeep Singh will be sent to USA, but to no effect. Later on, when the complainant demanded his amount back, the petitioner assured to return Rs.40.00 lacs, but he has neither returned the amount nor Jaspreet Singh and Navdeep Singh were sent to USA.

Learned counsel for the petitioner further submits that after the application for bail was dismissed by the Additional Sessions Judge on 15.02.2018, the petitioner filed CRM-M-12028-2018, praying for grant of

anticipation bail before this Court and the same was also dismissed vide order dated 03.04.2018, however, the anticipatory bail was granted to his wife vide order dated 15.09.2017. The petitioner, thereafter, filed Special Leave to Appeal (Crl.) No.4619/2018 before the Hon'ble Supreme Court, praying for grant of anticipatory bail, which was dismissed on 07.06.2018, however, it was directed that if the petitioner deposit a sum of Rs.40.00 lacs and apply for regular bail, by surrendering before the trial Court, his application be decided expeditiously, in accordance with law. Later on, the petitioner filed an application before the Hon'ble Supreme Court and on 07.12.2018, it was stated that the time is further extended to deposit the bank guarantee.

Learned counsel for the petitioner has next argued that thereafter, the petitioner had furnished a bank guarantee to the tune of Rs.40.00 lacs before the trial Court and had surrendered before the Court. Learned counsel has relied upon statements of account of the complainant to show that an amount of Rs.5.00 lacs, in the name of travel agent, which was received by the petitioner, has been returned back. Learned counsel has also relied upon an affidavit given by the petitioner before the Panchayat to submit that Navdeep Singh and Jaspreet Singh, on 02.08.2018, had reached (FREE PORTE), Grand Bahama and had undertaken that he will manage to communicate with them to bring them back. It is further submitted that in this respect, the petitioner has filed CRM-M-11074-2018, praying for issuance of directions to the police authorities to consider his representation.

Learned counsel for the petitioner has further argued even a suit for declaration has been filed to declare the affidavit dated 15.09.2017 as null and void and the said suit is pending. It is last argued that the petitioner is in custody

since 01.02.2019; investigation is complete and therefore, he should be granted the concession of regular bail.

Learned State counsel has placed on record photocopy of statement of accounts dated 27.03.2018, where the petitioner had admitted his liability.

Learned counsel for the complainant has argued that on one hand, on the basis of affidavit dated 15.09.2017, the petitioner's wife was granted the concession of anticipatory bail by this Court and later on, the petitioner resiled from the said affidavit and in order to escape his liability, has filed a suit for declaration as well as filed CRM-M-11074-2018 by giving false facts. Learned counsel has further argued that whereabouts of Navdeep Singh and Jaspreet Singh are not known till date and the petitioner was even declared a proclaimed offender, as he failed to surrender before the trial Court in compliance of the directions given by the Hon'ble Supreme Court and only thereafter, he was arrested. It is further argued that the complainant is, at the first instance, interested in the welfare of his sons, who have been sent to a country, from where their whereabouts are not known. It is also submitted that not only, the petitioner has allured and cheated the complainant by inducing him to part away huge amount, but has also sent his sons somewhere else and their whereabouts are not known.

With regard to filing of the present second petition, learned counsel for the complainant has argued that complainant Mahinder Singh has appeared as PW1 and he has duly supported the prosecution version by giving all the details of the amount paid to the petitioner. Learned counsel has placed on record certified copy of the statements to submit that the complainant had duly identified petitioner Ranjit Singh @ Rana and his wife Hardeep Kaur in the

Court and therefore, no new ground is made out for grant of regular bail.

After hearing learned counsel for the parties, going through the record and considering conduct of the petitioner and also in view of the fact that two young sons of the complainant, aged about 19 years and 25 years are missing, I find no ground to grant regular bail to the petitioner.

Accordingly, the present petition is dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

21.11.2019
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No