

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

CRM-M-3119-2020

Date of Decision:- 12.3.2020

GAURAV KUMAR

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Mohit Sadana, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

GURVINDER SINGH GILL, J.

1. The petitioner has approached this Court seeking grant of anticipatory bail in a case registered against him vide FIR No.31 dated 12.2.2019 under Sections 420/34 IPC at Police Station City-I, District Sangrur.
2. The FIR in question was lodged at the instance of Jaspreet Singh wherein it has been alleged that Gaurav Kumar (petitioner) and his wife Maninderjit Kaur held out a representation that they could send the complainant and two of his friends to Poland and that they would charge an amount of ₹4 lakhs per person. It is further alleged that the complainant as well as his other two friends namely Jalvir Singh and Rajvir Singh of the same village paid an amount of ₹1 lakh as advance to the petitioner and that the petitioner and his wife represented that they would first arrange Visa of Armenia and thereafter the complainant and others would be shifted to Poland. It is alleged that after the aforesaid

payment of ₹1 lakh each made by complainant on 9.1.2018, the petitioner raised the demand of the balance of ₹3 lakhs each per person which was also paid on 20.1.2018. The petitioner thereafter handed over Visa of Armenia to the complainant and his two friends and when they confronted that as to why the Visa of Poland not been issued, the accused represented that after working for a few days in Armenia, they would be shifted to Poland. It is further alleged that the complainant thereafter went Armenia on 24.1.2018, but they were not provided with any work/employment. It is further alleged that the complainants were received by one Barinder Sharma in Armenia, who kept on assuring them that he will organize some job for them but no job was organized and ultimately complainants were constrained to return back to India on 12.9.2018.

3. The learned counsel for the petitioner has submitted that he has falsely been involved in the present case and that there was no such assurance held by the petitioner that complainant and his two friends would be taken to Poland and that the only understanding between the complainants and the accused was that the complainants would be provided a Visa to Armenia and in fact the complainants did go to Armenia where they remained for eight months but they could not adjust themselves in Armenia and ultimately returned back.
4. Opposing the petition, learned State counsel submits that since there are specific and categoric allegations levelled in the FIR that the petitioner had held out a promise for taking the complainants to Poland but the said promise was not duly honoured although ₹4 lakhs were charged from

each of the complainant, no case for grant of bail is made out.

5. I have considered rival submissions addressed before this Court. Since it is not disputed that the complainants were issued a Visa for Armenia where they remained for about 8 months, it will be a matter of evidence as to whether the accused had held out any promise for taking the complainants to Poland or not. In any case, since the petitioner has already joined investigation, his custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 24.1.2020 are hereby made absolute subject to the condition that the petitioner shall continue to appear before the Investigating Officer as and when called upon to do so and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

(GURVINDER SINGH GILL)
JUDGE

12.3.2020
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**