

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

CRM-M-8990-2020

Date of decision:5.3.2020

ONKAR SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Gurpal Singh Sandhu, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner has filed this petition seeking grant of regular bail in a case registered against him vide FIR No.111 dated 11.7.2019 under Sections 406, 420 IPC & Section 24 of Immigration Act at Police Station Adampur, District Jalandhar.
2. The FIR in question was lodged at the instance of Hardeep Singh, wherein it has been alleged that the petitioner Onkar Singh and his wife Sukhwinder Kaur had defrauded him of an amount of ₹25 lakhs on the pretext of sending his son to Canada. It is alleged that the petitioner and his wife represented that they would send complainant's son to Canada for an amount of ₹28 lakhs and while holding out the said representation took an amount of ₹12 lakhs in cash in January, 2016 while another amount of ₹5 lakhs was paid by way of two different cheques i.e. ₹2.5

lakhs each in August, 2016 and thereafter the remaining amount was paid in cash. It is alleged that although the complainant's son was taken to Hong Kong but he was never sent to Canada from Hong Kong and ultimately his son had to return back to India. It is further stated therein that when the complainant insisted upon returning back of his amount then an amount of ₹3 lakhs was returned by the accused.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the falsity of case would be evident from the fact that FIR has been lodged after more than three years of alleged fraud. It has further been submitted that in any case the amount as stated in the FIR which has been paid to the petitioner is an exaggerated amount and it is only an amount of ₹5 lakhs which had been paid out of which ₹3 lakhs had been returned. Learned counsel for the petitioner has further submitted that there was no agreement for sending the complainant's son to Canada and he was to be sent to Hong Kong where he remained for 7-8 months and returned back since he could not adjust in the Hong Kong.
4. Opposing the petition, learned State counsel has submitted that since there are specific and categoric allegations against the petitioner, which are fully substantiated from the fact that a part of the amount was transferred into the account of the petitioner through Bank, no case for grant of bail is made out. It has however been informed that the petitioner has been behind bars since last more than 4 months and that the petitioner is not involved in any other case.

5. Having regard to the facts and circumstances of the case and bearing in mind that the petitioner has been behind bars since last about 4 months and is not stated to be involved in any other case, further detention of the petitioner will not serve any useful purpose as the conclusion of trial is likely to take some time.
6. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(GURVINDER SINGH GILL)
JUDGE

5.3.2020
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No