

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-10773-2020 (O&M)

Date of decision: 16.03.2020

Abhishek Thakur

....Petitioner

Versus

U.T. Chandigarh

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Naveen Upadhyay, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J.

Prayer in this petition is for grant of anticipatory bail in FIR No.0276 dated 24.10.2019 under Sections 420, 120-B IPC, registered at Police Station Industrial Area, Chandigarh.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of one Monika, she consulted Airwings Aviation Academy, Empire Overseas at Global Business Park, Zirakpur and met one Pankaj along with other directors of the company i.e. Mrs. Fatema, petitioner Abhishek and his wife Neha. During the meeting, petitioner informed her about work permit and visa for Canada and told that they have arranged visas for more than 500 clients and demanded Rs.20.00 lacs for work permit and visa of Canada. After few days, when the complainant

visited, again the accused met her and on negotiations, the deal was finalized for Rs.16.50 lacs and she paid Rs.1.00 lac as advance to all the accused. In the FIR, details of various meetings between the complainant and the accused persons, payments made by her and assurance given by the accused persons for providing visa, are given. The FIR also speaks about the details of various dates, when she met the accused persons and she was informed about providing visas to some other persons. Later on, when the petitioner found that they could not provide visa, some cheques were given to the complainant for returning the amount, however, the same were dishonoured and the present FIR has been registered.

Learned counsel for the petitioner has argued that the petitioner was falsely implicated, as primary allegations are against co-accused Pankaj. It is further submitted that the petitioner has nothing to do with the complainant and Airwings Aviation Academy, Empire Overseas at Global Business Park, Zirakpur.

After hearing learned counsel for the petitioner, I find no merit in the present petition.

It is worth noticing that wife of the petitioner, namely Neha Thakur had filed anticipatory bail petition i.e. CRM-M-51745-2019 and after arguing the case at length, learned counsel representing her, withdrew the same on 18.02.2020.

While dismissing the anticipatory bail application of the petitioner, the Additional Sessions Judge, after hearing the Public Prosecutor and going through the police file, has observed that a total sum of

Rs.12,36,000/- was taken by the petitioner and co-accused and neither they had sent any candidate abroad nor returned their money and therefore, element of cheating has come on record.

The allegations against the petitioner and his wife Neha Thakur are that they received Rs.2.00 lacs from the complainant and also signed the receipts of Rs.1.00 lac each, from Vishal and Sahil. The allegations against the petitioner are serious regarding having money in an immigration fraud, in which not only the complainant, but some other victims were induced to part away their money for providing the visas and later on, the petitioner and other accused cheated them.

Accordingly, finding no ground to grant concession of anticipatory bail to the petitioner, present petition is dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

16.03.2020
vishnu

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No