

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

**CRM-M No.14353 of 2020 (O&M)
Decided on: 20.07.2020**

Rajinder Bawa

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Rahul Rampal, Advocate
for the petitioner (through video conferencing)

Mr. Joginder Pal Ratra, DAG, Punjab.
(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.421 dated 18.10.2019, for offence punishable under Sections 420 and 120-B of the Indian Penal Code, 1860 (in short 'IPC'), registered at Police Station City Barnala, District Barnala.

Counsel for the petitioner has argued that the petitioner was involved in 04 FIRs and he is in custody since 25.11.2019. It is further submitted that all the FIRs have been registered, either at the instance of Principal of Sacred Heart School, Ludhiana/Bathinda or by the parents, on the ground that the management of the two schools have approached Anju Bawa, Aman Bawa and Manmohan Singh Bawa for organizing a NASA trip to USA and Aman Bawa and Anju Bawa, were looking after the business of Leisure Holidays and in the present case, the FIR was registered with regard to Sterico Private Limitd, managed by the son of the petitioner namely Manmohan Singh Bawa. It is further

argued that as per the allegations in the FIR, the owner of both the travel agencies, collected huge amounts from the parents for sending their wards for a NASA trip in USA, however later on, they cheated them.

Counsel for the petitioner has also submitted that the petitioner has already been granted the concession of regular bail in other FIRs and relied upon the order dated 13.02.2020 passed in CRM-M no.1647 of 2020, in which he was granted regular bail in FIR No.340. It is also submitted that this Court has noticed the fact that the complainant's counsel could not dispute the fact that the amount was paid to M/s. Leisure Holidays, Ludhiana. Similar is the observation made in the order dated 15.05.2020 passed in CRM-M No.12073 of 2020, vide which the petitioner was granted the concession of regular bail in FIR No.402. It is further argued that in the 3rd FIR No.421, the petitioner has been granted the concession of regular bail by the Court of Additional Sessions Judge, Barnala on 20.05.2020.

Counsel for the petitioner has also submitted that the police adopted a *modus operandi* that whenever he was granted bail in one FIR, he was involved in some other subsequent FIR and in the present FIR, his arrest was shown on 03.03.2020 and when his co-accused was granted interim bail on 04.03.2020. It is also submitted that even the co-accused of the petitioner have filed a quashing petition as they have refunded some of the amount to the parents.

Counsel for the State could not dispute that in the complaint given to the police, initially the name of the petitioner was not there and his name surfaced later on, during the investigation.

After hearing the counsel for the parties, considering the present situation due to COVID-19 pandemic and also in view of the observations made in the earlier order granting bail to the petitioner and further in view of the fact that no amount was transferred in the account of the petitioner and also considering the fact that the petitioner is in long custody; challan stands presented; the petitioner is no more required for any further investigation and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

20.07.2020
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(ARVIND SINGH SANGWAN)
JUDGE

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