

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 14704 of 2020
Date of decision: 22.6.2020

Balkar Singh

.. Petitioner

v.

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Amit Arora, Advocate for the petitioner.
Mr. Gaurav Dhuriwala, Senior DAG, Punjab.
Mr. Mukesh Yadav, Advocate for the complainant.

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AVNEESH JHINGAN, J.

The matter has been taken up for hearing through video conferencing due to COVID-19 situation.

The petitioner has approached this Court aggrieved of the order dated 27.1.2020 passed by Additional Sessions Judge, Tarn Taran rejecting the prayer of the anticipatory bail in FIR No. 316 dated 16.12.2018, registered under Section 420 IPC at Police Station, City Tarn Taran.

The FIR was at the instance of Rajinder Singh alleging that the petitioner has cheated him for a sum of ₹1,10,000/- on the pretext of sending him to Malaysia on work permit. The allegations are that he was sent to Malaysia but on tourist visa. The matter was enquired into where the petitioner admitted the facts and agreed that the amount of ₹1,03,000/- would be returned to the complainant on release of Mandeep Singh from jail. Mandeep Singh was released from jail but the petitioner did not return the amount. During the pendency of the present petition, on 11.6.2020, learned counsel for the petitioner sought time to have instructions whether

the petitioner is willing to pay the amount received by him in the first

instance.

Learned counsel for the petitioner submits that the petitioner is not in a position to return the amount. He is not disputing the fact that Mandeep Singh has been released from jail. The contention raised is that the petitioner is not a travel agent and he was not authorised to send the complainant to Malaysia on work permit, rather the needful was to be done by Mandeep Singh and the complainant was sent on tourist visa.

Learned counsel for the State opposes the prayer and argues that the complainant has been cheated and further inspite of the agreement entered during enquiry of the case, the amount has not been returned and Mandeep Singh is no longer detained.

I have considered the rival submissions. There is no denial of the fact that inspite of the agreement the amount has not been returned and the stand of the petitioner is that he is not in a position to pay the amount. The argument that money is to be returned by Mandeep Singh is not worth acceptance at this stage. The complainant cannot be made to run from pillar to post, for the alleged inter-se dispute between the petitioner and Mandeep Singh with regard to return of money.

No special case is made out for grant of anticipatory bail to the petitioner. The petition sans merit.

Dismissed.

(AVNEESH JHINGAN)
JUDGE

22.6.2020
mk

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

