102

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

**CRM-M-16314-2020
Date of decision : 29.06.2020**

Rachit Puri

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Munish Bhardwaj, Advocate
for the petitioner.

****

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.4 dated 11.01.2019 under Sections 406 and 420 of the Indian Penal Code, 1860 and Section 24 of Emigration Act, 1983 and Section 13 of the Travel Professional (Regulations) Act, 2014 registered at Police Station Division No.1, District Jalandhar.

Brief facts of the case are that the present FIR has been lodged by the complainant on the ground that son of the complainant was working as a Carpenter with the petitioner and was interested in going to America. The petitioner assured the complainant that he would arrange the sponsorship for her son and he would be able to work in America on H-1 Visa and his salary would be $3200. The petitioner is allegedly to have asked for a payment of ₹15,00,000/- on the pretext of sending the son of the complainant to America. It is also the allegation that Visa shown to the complainant, which was issued to one Sonu, was subsequently found to be fake. The complainant has further alleged in the FIR that a cheque for ₹1,00,000/- was given by the petitioner to the complainant towards settlement of the dispute, which also bounced.

It has been contended by learned counsel for the petitioner that son of the complainant had been given a sub-contract as Carpenter in his firm and the cheque of ₹1,00,000/- was actually given to him as advance payment.

On the asking of the Court, Ms. Bhavna Gupta, DAG, Punjab has put in appearance through video conferencing. She, on instructions from Inspector Amarjit Singh, has stated that this is actually an immigration fraud and the complainant is stated to have mortgaged her house for securing the amount of ₹15,00,000/-, which was paid to the petitioner. Further, the Visas shown to the complainant for luring her and her son to pay the amount of ₹15,00,000/- to send her son abroad were also eventually found to be fake. She has further stated that cheque of ₹1,00,000/- which was given to the complainant had also subsequently bounced. There is no explanation forthcoming regarding the cheque which was given to the complainant by the petitioner.

In view of the above, the case seemingly involves an emigration fraud wherein gullible persons are cheated of their lifelong savings and even end up losing their immovable and movable properties. There is also. no explanation forthcoming for the cheque of Rs.1,00,000/- given by the petitioner to the complainant. I, therefore, do not find this to be a fit case for grant of anticipatory bail. Accordingly, the present petition is dismissed.

(ALKA SARIN)
JUDGE

29.06.2020
Yogesh Sharma

Whether speaking/reasoned	**Yes/ No**
Whether Reportable	**Yes/ No**