

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16870-2020
Date of Decision: 27.07.2020

Harpreet Singh @ Harry

....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Sachin Ohri, Advocate, for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL).

The petitioner seeks grant of anticipatory bail in case bearing FIR No. 06 dated 17.01.2020 registered under Sections 420 and 120-B IPC at Police Station Ghuman Kalan, District Gurdaspur.

On the last date of hearing, while issuing notice of motion, this Court passed the following order:-

“Case is taken up for hearing through video conferencing.

Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case FIR No. 06 dated 17.01.2020 registered under Sections 420 and 120-B IPC, at Police Station Ghuman Kalan, District Gurdaspur.

Learned counsel for the petitioner states that it was the petitioner who approached one person Mavi to send him to Portugal. He has also contacted

co-accused Viren Chaudhary and Ashwani Kumar and paid the amount to Viren Chaudhary at his office at Jalandhar. The petitioner met co-accused Viren Chaudhary on 10.07.2019 at his office and he took money and passport of the petitioner for applying the visa. On the complaint of the petitioner, co-accused were summoned and co-accused admitted to return the money. Thus, the petitioner is also a victim.

Notice of motion for 27.07.2020.

On the asking of this Court, Mr. Ajay Pal Singh Gill, DAG, Punjab accepts notice on behalf of the respondent-State and prays to array the complainant as respondent.

On the request of the learned State counsel, complainant-Amritpal Singh s/o Gurmittar Singh, resident of village Ghuman Kalan, Post Office Ghuman Kalan, Tehsil and District Gurdaspur is arrayed as respondent No. 2. Registry is directed to amend the memo of party and to issued notice to respondent No. 2/ complainant for the date fixed.”

However, as per the office report, notice could not be issued to the complainant for want of process fee.

Learned counsel appearing for the petitioner vehemently contents that the petitioner has falsely been implicated in the case in hand; that the petitioner has no role to play; that it was the co-accused, who had taken the money and backed out from the promise of sending the complainant abroad

and that the said co-accused have settled the matter with the complainant.

On the other hand, learned State counsel while opposing the bail application, has stated that there are specific allegations against the petitioner, who is alleged to have taken Rs.4,00,000/- from the complainant and it was he, who had introduced him with the co-accused Viren Chaudhary and Ashwani Kumar, and persuaded him to give them the amount of Rs.8,00,000/-. Besides, the parents of Sukhbir Singh (who is stated to be located at Portugal) were also handed over an amount of Rs.2,50,000/-. Thus, in total, the complainant has been cheated of the amount of Rs.14,50,000/-. It is further stated that the Aadhar Card, Pan Card and Passport of the complainant were handed over to the accused, but the accused had neither sent the complainant abroad nor returned the money or the documents aforesaid.

Having heard learned counsel for the parties, I do not find any ground to grant the concession of anticipatory bail to the petitioner.

There is no denying the fact that it was the petitioner, at whose assurance and instance, the complainant had not only given him (petitioner) an amount of Rs.4,00,000/-, but had also parted with a huge amount of Rs.12,50,000/- while handing over the same to the co-accused and parents of Sukhbir Singh. The factum that the co-accused have since compromised the matter with the complainant, is of no help to the petitioner, especially when the said compromise is neither before this Court nor the same has any legal authenticity. The custodial

interrogation of the petitioner is necessary to unearth and bust the racket of people involved in illegal human trafficking.

In view of the above, no case is made out for grant of anticipatory bail to the petitioner.

Hence, the present petition is dismissed.

27.07. 2020
ds

(HARNARESH SINGH GILL)
JUDGE

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