

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

CRM-M No.-16898-2020 (O&M)
DATE OF DECISION: 15.07.2020

Maninder Singh	versus	Petitioner
State of Punjab		Respondent

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Rujhan Dhawan, Advocate for the petitioner
Mr. Gaurav Dhuriwala, Sr. DAG, Punjab
Mr. Atul Kaushik, Advocate for the complainant

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ALKA SARIN, J.: (Oral)

Heard through video conferencing.

This is an anticipatory bail application under Section 438 of the Code of Criminal Procedure, 1973 in FIR No.086 dated 04.06.2020 under Sections 406, 420, 120/B, IPC and Sections 10 and 24 of the Emigration Act, 1983 registered at Police Station Phase-I, Mohali, SAS Nagar, Punjab.

Notice of motion.

On the asking of the Court, Mr. Gaurav Dhuriwala, Senior Deputy Advocate General, Punjab, has joined the session through video conferencing and accepts notice on behalf of the State. Mr. Atul Kaushik, Advocate puts in appearance via video conferencing for the complainant

The allegations in the FIR are that the complainant wanted to send his son Umesh to Canada. In this regard, she talked to one Lalbir Thapa, who is a resident of her native village. Lalbir Thapa was in contact of one Sham Thapa, who is a resident of Darjeeling. After speaking to Sham Thapa, the complainant came to know that Sham Thapa is working in a unit known as 'Best Visa Consultancy' situated at Phase-5, Sector 59, Mohali,

Punjab. A deal was struck for Rs.10 lakhs to send one person to Canada and it was decided that they would send son of complainant within 35 days. The complainant is alleged to have given Rs.1 lakh in advance and thereafter a total amount of Rs.12,23,540/- was paid to the accused.

Learned counsel for the petitioner has contended that he is merely an employee of the company and has no role to play in the entire incident. He has been falsely implicated whereas the firm is being run by Rajbir, who is absconding. It has also been contended that a representation dated 10.01.2020 was sent by the petitioner to the SSP, Chandigarh, wherein it was alleged that the petitioner is being falsely implicated in the fraud committed by Rajbir and Sham Thapa.

Mr. Dhuriwala, learned Senior Deputy Advocate General, Punjab has contended that the complainant had given her complaint on 20.11.2019 and thereafter the petitioner gave his representation dated 10.01.2020. It has also been contended by him that the petitioner had entered into a compromise with the complainant and had given six cheques worth Rs.9 lakhs to the complainant. Out of the said six cheques for Rs.9 lakhs, cheques for Rs.2 lakhs were encashed and payment was stopped qua the remaining cheques.

Learned counsel for the petitioner would contend that the petitioner was made to give the cheques forcibly by the police.

The allegations in the present FIR are with regard to an emigration fraud which has been committed upon the complainant. The petitioner in the present case has also entered into a compromise whereunder six cheques for Rs.9 lakhs were given to the complainant out of which only the cheques for Rs.2 lakhs were encashed and payment qua the remaining cheques was stopped.

In view of the above and without commenting on the merits of the case, I do not find this to be a fit case for grant of anticipatory bail. The same is hence dismissed.

**(ALKA SARIN)
JUDGE**

15.07.2020
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NOTE: Whether speaking/non-speaking: Speaking Whether reportable: YES/NO
