

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

- 1. CRM M-21201 of 2020 (O&M)**
Date of Decision: September 30, 2020

Kulwinder KaurPetitioner
Versus
State of Punjab Respondent

- 2. CRM M-18659 of 2020 (O&M)**

Maan Singh @ Ram SinghPetitioner
Versus
State of Punjab Respondent

- 3. CRM M-21274 of 2020 (O&M)**

Sukhchain SinghPetitioner
Versus
State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. G.P.S. Ghuman, Advocate
for the petitioners in CRM M-21201 of 2020 and
CRM M-21274 of 2020.

Mr. B.S. Bhalla, Advocate
for petitioner in CRM M-18659 of 2020.

Mr. J.S. Ghumman, DAG, Punjab.

Mr. Vikas Gupta, Advocate
for the complainant.

FATEH DEEP SINGH, J. (Oral)

The matter has been taken up through video-conferencing on account of outbreak of pandemic COVID-19.

Since the above three detailed first anticipatory bail applications moved under Section 438 Cr.P.C. have arisen out of the same case bearing FIR No. 0013 dated 29.01.2020 under Sections 420 and 120-B IPC, Police Station Sirhali, District Tarn Taran are, thus, for the sake of preventing prolixity are being taken up together.

The present case was got registered by complainant Gurjit Singh claiming that accused/petitioners committed a fraud of Rs.40,00,000/- upon the complainant in connivance with Kulwinder Kaur, Sukhchain Singh and Maan Singh @ Ram Singh petitioners alongwith co-accused non-applicants Lakhbir Singh, Sukhraj Kaur and Baljeet Kaur on the pretext of promising him settlement in America on work permit. The complainant claims that he had made payments on different occasions through cash as well as bank transactions. The accused in furtherance of their conspiracy took him to Delhi airport and from where he was brought to Greece and,

thereafter, to Mexico. It was during the course of time, they made arrangements for enabling the complainant to sneak through the borders of Mexico into America where the complainant was apprehended and jailed.

Mr. G.P.S. Ghumman and Mr. B.S. Bhalla, Advocates for the petitioners submit that some of the accused are close relatives of the complainant and who were fully aware of the fact that he was being illegally taken to America and the risk involved to which he has consented to. It is submitted that the transactions of the bank are in the receipt of the co-accused and who have taken the amount and it is purely because daughter and son-in-law of some of the petitioners have managed to get asylum in America on same pattern and as a counter blast they have been falsely implicated at the behest of the relative of the complainant and that nothing is to be recovered from the petitioners.

Mr. J.S. Ghumman, DAG, Punjab has strongly opposed the bail claiming that the petitioners alongwith their co-accused are running a racket of illegal immigration of fleecing innocent persons desirous of going abroad and which needs to be curbed claiming that embezzled amount has been received by the petitioners which needs to be recovered and sought dismissal of the bail.

Be so as it may, it is a matter of common knowledge that people in this part of the country for greener pastures

abroad resort to all illegal and legal means to land in foreign country and the complainant Gurjit Singh is no exception. Admittedly, the complainant is a major ex-servicemen and aware of the manner of his efforts at entering the country apparently reflects that he too had connived in this arrangement. But at the same time having regard to the fact that travel agents in this country have devised ways and means to rob innocent people necessitates that Courts being tools of social justice as well need to take a hard stand at such activities as huge amount has been received by the accused and it is a matter of investigation as to the relative shares of all the accused in this illegal transaction.

In view of the foregoing reasons, this Court does not feel inclined to allow the bail applications and which, accordingly, stand dismissed.

September 30, 2020

amit rana

(FATEH DEEP SINGH)**JUDGE**

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No