

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

CRM-M-23362-2020(O&M)

Date of decision:-26.10.2020

Avtar Singh Mundi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mohd.Yousaf, Advocate
for the petitioner.

Mr.Luvinder Sofat, AAG, Punjab.

H.S. MADAAN, J.

Case taken up through video conferencing.

This third petition for regular bail has been filed by petitioner – Avtar Singh Mundi, aged about 52 years – an accused in FIR No.199 dated 3.10.2019 for the offences under Sections 406, 420 IPC, Section 13 of Travel Professional (Regulation) Act, 2014 and Section 24 of Immigration Act, 1983, registered with Police Station Goraya Jalandhar,

District Jalandhar.

Briefly stated, the facts of the case as per the prosecution version are that criminal machinery in this case was set into motion by complainant Kirandeep Kaur wife of Baljinder Singh, resident of VPO Virk, Bahadipur, Tehsil Phillaur, District Jalandhar, who in the written complaint submitted by her addressed to SSP, Jalandhar (R) sought taking of action against travel agent Avtar Singh Mundi (present petitioner), his wife - Baljit Kaur, son - Ranjot Singh and daughter - Manpreet Kaur for committing fraud with her to the tune of Rs.21.50 lakhs on the pretext of sending her son Sukhpreet Singh to Canada. Inter alia, in the complaint, the complainant submitted that the accused could not ensure migration of her son to Canada, rather he was taken to Vietnam and left in a lurch there. The complainant and her family arranged his return to India. They asked the the accused to refund the money to them and accused returned Rs.2 lakhs and gave cheque dated 7.6.18 in the sum of Rs.2 lakhs, which had got bounced leaving an unpaid amount of Rs.19.50 lakhs.

On receipt of that complaint, the matter was inquired into by Economic Offences Wing, Jalandhar and the allegations in the complaint were found to have force against Avtar Singh Mundi and his wife Baljeet Kaur to the extent of cheating the complainant of Rs.10 lakhs for sending her son Sukhpreet Singh abroad, whereas it was not so with regard to Ranjot Singh – son and Manpreet Kaur - daughter of Avtar Singh Mundi and Baljeet Kaur. Formal FIR in the matter was registered. Petitioner Avtar Singh Mundi was arrested in this case on 17.11.2019. After completion of investigation and other formalities, challan in this case has

been filed and trial is going on. The petitioner had filed an application for regular bail in the Court of Sessions, which was however dismissed by learned Additional Sessions Judge, Jalandhar vide order dated 21.7.2020. The petitioner had approached this Court on two earlier occasions seeking regular bail but had withdrawn those petitions. Now for the third time, the petitioner has knocked at the door of this Court by way of filing the instant petition, which request is being resisted by learned State counsel.

I have heard learned counsel for the parties besides going through the record.

I find that the allegations against the petitioner are very grave and serious of cheating the complainant of her hard earned money on the pretext of sending her son to Canada without actually meaning to do so, rather leaving him on his fate in Vietnam, unattended without providing any help to him and it was with great difficulty that the complainant could manage his return back to India. The accused is said to have returned Rs.2 lakhs to the complainant for being unable to ensure migration of son of complainant to Canada. He is also said to have issued a cheque in favour of complainant in the sum of Rs.2 lakhs, which had got bounced, again showing guilty intention of the accused.

As submitted by the State counsel, the petitioner/accused is involved in 20 other similar cases and out of those, he has been convicted in three cases. Although learned counsel for the petitioner has contended that petitioner has been acquitted in 17 cases but the very fact that he is involved in several other cases of similar type, goes to show that he is a habitual offender. The trial is said to be at initial stage, where charge is

yet to be framed. In that way, there is every possibility of his trying to tamper with the prosecution evidence and even to abscond, if granted concession of regular bail. Even otherwise, the grant of bail to such type of habitual offenders would send a wrong signal in the society that one can indulge in crime repeatedly and then come out of jail after a short period. That would rather encourage the potential criminals to tread the path of crime and the victims of the fraud would only get disheartened.

Thus, keeping in view the totality of the facts and circumstances of the case, no ground to grant concession of regular bail to the petitioner/accused is made out.

Therefore, finding no merit in the petition, the same stands dismissed.

26.10.2020

Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No