

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23573-2020 (O&M)
Date of Decision: 20.08.2020

Avtar Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Parunjeet Singh, Advocate, for the petitioner.

Mr. H.S. Sitta, AAG, Punjab.

HARNARESH SINGH GILL, J.

The petitioner seeks grant of concession of anticipatory bail in case bearing FIR No. 176 dated 25.07.2020 registered under Sections 420, 120-B IPC & 13 of the Punjab Travel Professionals Act, 2014, at Police Station Mehatpur, Jalandhar Rural.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the above noted FIR and that no money had ever been handed over to him by the complainant and his mother or brother-in-law, nor did the complainant ever meet the petitioner. As a matter of fact, the money was received in the account of co-accused Sarabjit Singh. It is further contended that the petitioner runs the business of tour and travels under the name and style of A&S Happy Tour and Travel Service Pvt. Ltd., and the said Company does not deal with the procurement of Permanent Visa Service. It is yet further submitted that the FIR in this case, has been registered without hearing the petitioner and/or looking into his version.

It is further submitted that the compromise produced by the complainant during the hearing of the bail application before the Additional Sessions Judge, Jalandhar, is dated 06.02.2020, whereas FIR in this case was registered on 25.07.2020 and that had there been any truthful substance in that compromise, the same ought to have found a mention in the FIR. This fact clearly shows that totally false allegations have been levelled against the petitioner.

The above noted FIR was got registered by the complainant against the petitioner and co-accused Sarabjit Singh and Sandip Kumar, with the allegations that the accused had defrauded him of the amount to the tune of Rs.14,00,000/- on the pretext of sending him to Canada. As per the contents of the FIR, Sandip Kumar accompanied by Sarabjit Singh, went to village Mehatpur to meet Satnam Singh, brother-in-law of the complainant. Said Sarabjit Singh introduced himself to be an approved agent. He assured the brother-in-law of the complainant to send the complainant to Canada on work permit and the deal in this regard was struck for Rs.18,00,000/-. They took photocopy of the passport of the complainant and Rs.1,91,000/- from complainant's brother in law in the shape of four cheques and an amount of Rs.9,000/- in cash. The accused promised to send the complainant to Canada via Malaysia. The complainant went to Malaysia in the month of August, 2019. In September, accused came to complainant's house and demanded the amount of Rs.16,00,000/-. At that time, petitioner-Avtar Singh, who introduced himself to be the partner of Sarabjit Singh and Sandip Kumar, also came with them. Accordingly, the mother and the brother-in-law of the

complainant gave the amount of Rs.3,00,000/- on 9.9.2019; Rs.2,00,000/- on 27.08.2019 and Rs.10,50,000/- on 10.09.2019. The complainant was sent to Doha Qatar on 01.12.2019, where he was kept for a month. In December, 2019, accused Sandip Kumar, took Rs.50,000/- in cash from the complainant's mother for doing some paper work. However, the complainant was neither sent to Canada nor his money was given back.

As noticed in the order dated 10.08.2020 passed by the Additional Sessions Judge, Jalandhar, during the course of hearing of the bail application of the petitioner, the complainant had placed on record a compromise dated 6.2.2020 duly signed by the petitioner, wherein the factum of the petitioner having received the amount of Rs.12,00,000/- through accused Sarabjit Singh, was mentioned.

Learned counsel for the petitioner could not controvert the said factual aspect of the matter.

In the instant case, the complainant alleges having been duped of the huge amount of Rs.14,00,000/- by the accused, including the petitioner. The allegations being serious in nature, custodial interrogation of the petitioner is necessary. Thus, no case is made out for grant of concession of anticipatory bail to the petitioner.

Hence, the present petition is dismissed.

20.08.2020
ds

(HARNARESH SINGH GILL)
JUDGE

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