IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30938-2019 (O&M)

(1) Anju … Petitioner

Versus

State of Punjab ... Respondent

CRM-M-45432-2019 (O&M)

(2) Sukhdev Singh @ Sukha … Petitioner

Versus

State of Punjab ... Respondent

Date of Decision:- 25.2.2020

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Arun Willian, Advocate for the petitioner, in CRM-M-30938-2019.

Ms. Jyoti Rani, Advocate for the petitioner, in CRM-M-45432-2019.

Mr. Randhir Singh Thind, Deputy Advocate General, Punjab.

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GURVINDER SINGH GILL, J.

1. This order shall dispose of the above mentioned two petitions filed on behalf of Anju and Sukhdev Singh seeking grant of regular bail in a case registered against them vide FIR No.103 dated 17.8.2018 under Sections 406/420 IPC and Section 13 of the Travel Professional Regulation Act, 2014 at Police Station Mehatpur, District Jalandhar Rural.

2. The FIR in question was lodged at the instance of Sadhu Singh wherein it has been alleged that in October, 2016, Sarwan Kumar and Anju, who had come to visit their village to give ayurvedic medicine to Gurnam Singh had met him and the said Sarwan Kumar represented that the medicine business is his side business and infact his real business is of sending people abroad. He represented that he along with his wife is running a travel agency recognized by the Government of India, having an office in Delhi at Connaught Place. Being taken in by the said representation, the complainant told him that he was interested in sending his son Amarjit Singh abroad to Canada and upon which said Sarwan Kumar represented that he could arrange for a two years' work permit for complainant's son in Canada against a sum of ₹ 18 lacs. The said Sarwan Kumar further represented that in case two persons were to be sent aborad, then he would charge ₹ 15 lac per person. The complainant discussed the matter with his brother and agreed to send his son Sukhdeep Singh along with his elder son Amarjit Singh to Canada. It is alleged that in the first week of November, 2016, Sarwan Kumar accompanied by Anju and Sukhdev Singh came to his house and received the original passports of Amarjit Singh and Sukhdeep Singh along with photocopies of matriculation certificates and asked them to fill in some forms and obtained signatures of Amarjit Singh and Sukhdeep Singh. It is alleged that a sum of ₹ 25,000/- was handed over to Sarwan Kumar's wife namely Anju, who counted the same and handed over the said amount to Sukhdev Singh. Subsequently, they kept on asking for various amounts on one pretext or the other upto October, 2017 and the complainant had transferred an amount of ₹ 5 lacs from his limit account into the account of

Sarwan Kumar on 5.12.2016. In January, 2017, they received a telephonic call from Sarwan Kumar that Visa had been issued to Amarjit Singh and asked them to come to Delhi to Bangla Sahib. The complainant along with Amarjit Singh accompanied by accused Sarwan Kumar and Anju went to Delhi where a photocopy of the Visa granted to Amarjit Singh was shown to the complainant and the accused demanded money from them but the original passport was not handed over to the complainant and they made some excuses and told that they would hand over the passport after the other son of the complainant is also issued a Visa. It is alleged that the accused in this manner had extracted an amount of ₹ 25,50,000/- from November, 2016 to October, 2017 but had not sent their sons abroad and nor had returned their passports. Later, upon their repeated demands for return of the amount having been made, Sarwan Kumar gave two cheques bearing cheque No.520972 dated 16.8.2017 of ₹ 7,06,000/- and cheque No.599811 dated 20.8.2017 of ₹ 18,00,000/-, which upon presentation in the bank were dishonoured.

3. The learned counsel for the petitioners have submitted that they have falsely been implicated in the present case and that the petitioner Anju has been involved simply on account of the fact that she happens to be wife of the main accused Sarwan Kumar and has been named in the FIR to pressurize Sarwan Kumar. On behalf of Sukhdev Singh, it has been submitted that even as per FIR, he is not alleged to have either held out any false representation or having received any substantial amount and that the alleged bank transactions are alleged to have been made in the account of the main accused Sarwan Kumar only.

4. Opposing the petition, the learned State counsel has submitted that since the petitioners are specifically named in the FIR and are stated to be accompanying the co-accused Sarwan Kumar who had held out a representation to the complainant that he would send his sons abroad and in whose account substantial amount had been transferred, the complicity of the petitioners in the entire racket is clearly evident and as such, they do not deserve the concession of bail.

5. I have considered the rival submissions addressed before this Court. A perusal of the FIR would show that although both the present petitioners namely Anju and Sukhdev Singh are named in the FIR but it is the co-accused Sarwan Kumar who can be said to be the main accused, as it is he who held out representations to the complainant to the effect that he would send complainant's son abroad. Further, it is in the bank account of Sarwan Kumar, co-accused that substantial amount is stated to have been transferred. In any case, since the petitioners have been behind bars since the last about 8 months, their further detention would not serve any useful purpose, as the conclusion of trial is likely to take some time.

6. The petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

25.2.2020 **(Gurvinder Singh Gill)**
kamal **Judge**

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No