

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

(Heard through VC)

CRM-M-41690 of 2020 (O&M)
Date of Decision: December 11, 2020

Gursewak Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Arvind Kashyap, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

1. The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.47 dated 11.03.2020, registered under Sections 420, 120-B of Indian Penal Code and Section 13 of the Punjab Prevention of Human Smuggling Act, at Police Station Anaj Mandi, District Patiala.

2. Counsel for the petitioner would contend that the petitioner herein has been falsely implicated in the present case, as the allegations as set out in the FIR are not sustainable. It is argued that the petitioner and his brother Karanvir Singh had also decided to go abroad and they were going through the agents of Armenia along with the complainants. It is submitted that when they all reached in Georgia, they were arrested by the Georgia police and were lodged in jail. They remained in jail for about two and half months and after arranging the money, they deposited the fine of all and

other expenses of the proceedings as well. It is also submitted that the money spent on the return ticket of the complainants, was also borne by the petitioner and his family members. It is contended that the agent, who was engaged by the petitioner and his brother and the complainants was Bhupinder Singh, but no action has taken against him. It is also argued that no offence of cheating is made out against the petitioner and his brother from the bare reading of the FIR.

3. Notice of motion to respondent No.1-State only.

4. At this stage, Ms. Bhavna Gupta, DAG Punjab, who is appearing through the medium of video conferencing, accepts notice on behalf of respondent No.1-State.

5. Learned State counsel would argue that the petitioner and his brother demanded ₹ 10 lacs each from the complainants with the assurance to send them abroad to earn their livelihood on work permit. It is argued that on reaching Armenia, the money as well as passports of the complainants were snatched by the petitioner and his brother and got them arrested and they were sent to jail. It is submitted that thereafter, the father of the petitioner and his brother took more money from the family members of the complainants by blackmailing them and thereafter, the complainants came back to India.

6. I have heard counsel for the parties and have gone through the pleadings of the case.

7. The allegations against the petitioner are that he was having his office at Sirhind Road, Patiala, who assured the complainants namely Rakesh Sharma, Munish Kumar, Palwinder Singh and Avninder Singh to

send to Europe on work permit. The petitioner demanded ₹ 10 lacs from each complainant for this purpose, which was paid. There are allegations that on reaching Armenia, passports and money of the complainants were snatched by the petitioner and his brother and got them arrested. Even after the arrest of the complainants, the petitioner and his brother demanded more money from the family members of the complainants, which was also transferred/paid. The complainants remained in jail from 29.10.2019 to 16.01.2020. After returning to India, the instant FIR has been lodged against the petitioner and his family members.

8. Prima facie, there are serious allegations that have been levelled against the petitioner herein and his family members that they cheated the complainants after taking money from them and due to this reason, the complainants also remained in custody for about two and half months in Armenia. Even after the complainants were arrested in Armenia, the petitioner and his family members took more money from the family members of the complainants by threatening and pressurizing them. Under these circumstances, once custodial interrogation of the petitioner is required for a result oriented investigation, this court is not inclined to grant anticipatory bail to the petitioner.

9. In view of the above, the instant petition is hereby dismissed.

December 11, 2020

vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No