

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

CRM-M-40588-2019(O&M)

Date of decision:-26.2.2020

Rajan Singla

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.Mukul Goyal, Advocate
for the petitioner.

Rana Harjasdeep Singh, DAG, Punjab.

Mr.Ritesh Pandey, Advocate
for the complainant.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Rajan Singla, an accused in FIR No.81 dated 22.6.2019, under Sections 420, 120-B IPC and 13 of Punjab Prevention of Human Smuggling Act, 2012, registered with Police Station Tarsikka, District Amritsar.

Briefly stated, the facts of the case as per the prosecution version are that complainant Paramjit Kaur wife of Daljit Singh, resident of village Malewal, District Amritsar had submitted a written complaint addressed to SSP, Amritsar (Rural), *inter alia* stating that in the month of February, Rajan Singla son of Ram Gopal Singla and his wife Pooja Singla had taken a house of Master Jagir Singh on rent and started giving

training to boys and girls for sending them abroad; Pooja Singla started visiting the house of complainant and offered to send son of complainant Charandeep Singh to Canada on payment of Rs.25 lakhs stating that they would receive half of the amount in advance and remaining amount after Charandeep Singh reached Canada; the complainant sold her plot measuring 49 marlas in their village for a sum of Rs.18,50,000/- and got prepared a limit of Rs.18 lakhs from Axis Bank against their land measuring 8 acres; they gave Rs.10 lakhs to Rajan Singla and Pooja Singla on 10.12.2012 in their house at Malewal; on 25.12.2012, Rajan Singla and Pooja Singla took a sum of Rs.5 lakhs from the house of the complainant and after two days, a phone call was received from Rajan Singla to give more money and only then visa could be arranged; he asked for transfer of amount in his bank account; as such on 23.4.2013, the complainant transferred a sum of Rs.2 lakhs in the account of Rajan Singla from Axis Bank, Gehri Mandi and on 5.7.2013, a sum of Rs.1,96,500/- in another account of Rajan Singla; thereafter Pooja Singla took a sum of Rs.10 lakhs from the house of complainant and asked them to come to Delhi at 11:00 a.m. in the morning so as to get the visa; on that very night a phone call from Rajan Singla was received asking the complainant not to come to Delhi since there was a holiday in Embassy for two days and after two days, he would deliver the visa to their house, but till date neither any visa has been arranged nor money returned.

On 13.8.2013, Rajan Singla and Pooja Singla gave a cheque dated 3.9.2013 in the sum of Rs.13 lakhs drawn at Uttranchal Gramin Bank to the complainant stating that the cheque was of his friend Ajay

Thapa, who owed them a sum of Rs.13 lakhs and the complainant can deposit that cheque in her account. Rajan Singla had endorsed the cheque in favour of the complainant. The cheque was accordingly deposited with the bank but that was dishonoured. The complainant further contends that the Rajan Singla and Pooja Singla had been prolonging the matter for five years and at the end, they started threatening the complainant that if she went to the police, then they would eliminate her son Charandeep Singh.

On receipt of such written complaint, Superintendent of Police (Investigation) was directed to hold inquiry, who did so and found the allegations in the complaint to be correct. Then formal FIR was registered.

Apprehending their arrest in this case, the petitioner along with his wife Pooja Singla had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, their such request was declined by learned Additional Sessions Judge, Amritsar vide order dated 1.8.2019. As such, the petitioner has approached this Court asking for similar relief.

Notice of the petition was given to respondent – State, which put in appearance through counsel. The complainant has also appeared through counsel.

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

The allegations against the petitioner are very grave and serious that he along with his wife Pooja Singla had cheated the complainant, an innocent woman of substantial sum of Rs.25 lakhs giving

her allurement of sending her son Charandeep Singh abroad, which they were unable to do.

After hearing the rival contentions, I find that it is certainly not a fit case for grant of pre-arrest bail. There is a strong tendency amongst people of Punjab to migrate abroad in search of greener pastures and to fulfil that desire they can go to any extent. The wily and cunning persons take advantage of that fact posing as travel agents and fleecing innocent persons of substantial amounts of money selling them dreams of their migration. Many travel agents adopt very dubious and dangerous means for taking people abroad in the process quite often many casualties take place. Such type of elements have to be dealt with sternly. Furthermore, people repose faith in the persons, who promise to ensure their migration abroad and rarely ask for any receipt etc. after making payment so demanded and depositing the passport. Therefore, there could not possibly be any document evidencing payment of money and depositing of passport.

Although learned counsel for the petitioner contended that there is gross delay in lodging of the report with the police but I find that this aspect does not merit much attention at this stage while considering the case of the petitioner for grant of pre-arrest bail. Even otherwise, in the complaint submitted by the complainant to the police, which formed basis for registration of FIR, it is categorically mentioned that the petitioner and his wife has been giving false promises to the complainant and ultimately when they failed to get the needful done, the complainant had submitted a complaint before the police. Therefore, the delay is not

much significance in this case.

With around a sum of Rs.4 lakhs deposited in his account, the petitioner is unable to render any plausible or satisfactory explanation for deposit of such amount in his bank accounts by the complainant. Furthermore, he had endorsed a cheque issued in his name by his co-accused Ajay Thapa in favour of the complainant. That cheque had bounced. If there was no transaction between the complainant and the petitioner then there was no question of complainant depositing lakhs of rupees in the bank account of petitioner and petitioner endorsing the cheque in the sum of Rs.13 lakhs issued by Ajay Thapa in favour of the complainant.

Although the petitioner had joined the investigation as per directions issued by the Court but as stated by the State counsel, he has not disclosed all the facts within his knowledge and has not got any recovery effected. The matter had been sent to Mediation Centre of this Court also to explore the possibility of amicable settlement but without any fruitful result.

Pre arrest bail is a discretionary relief and is to be granted in exceptional cases and not in routine. It is meant to save the innocent persons from harassment and inconvenience and not to screen the culprits from custodial interrogation.

In case of *State represented by the C.B.I. Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268*, Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case

like this interrogation of suspected person is of tremendous advantage in getting useful informations.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for.

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

26.2.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No