

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-462-2021 (O&M)
Date of Decision:-19.2.2021

Kulbhindir Singh @ Bhinder

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Hardial Singh Batth, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Parvinder Deep Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.126 dated 4.10.2020 at Police Station Rahon, District SBS Nagar, Nawashehar under Sections 406, 420 of Indian Penal Code, Section 13 of Punjab Travel Professional Regulation Act and Section 24 of Emigration Act, wherein it is alleged that the complainant Tehal Singh was introduced to Satnam Singh by Angrej Singh and Bhinder Singh of his village, who represented that the complainant could be sent to Greece for an amount of ₹6 lakhs. The complainant alleged that he entered

into an agreement for sale of his land and received an amount of ₹6 lakhs and thereafter when Angrej Singh, Bhinder Singh and Satnam Singh came to his house, he paid the said amount of ₹6 lakhs to Satnam Singh and also his passport and other documents. However, the petitioner was sent to Armania and another demand of money was raised from the parents of the complainant, which was paid through Moneygram. However, the complainant was left to fend for himself and ultimately had to return back to India from Armania. Thereafter, the complainant met Satnam Singh, who assured that he would return the entire amount and issued a cheque of ₹6 lakhs, which upon its presentation was dishonoured.

2. Learned counsel for the petitioner has submitted that even if the allegations as levelled in the FIR are taken to be correct, still it is only a case where the petitioner had merely accompanied Satnam Singh and that there is no allegations whatsoever to the effect that it is the petitioner, who had made any representation regarding sending the complainant abroad or had ever accepted any amount from the complainant. It has further been submitted that the very fact that it is the co-accused Satnam Singh, who had issued a cheque for refund of the amount, itself shows that it is co-accused Satnam Singh, who had defrauded the complainant.
3. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and had introduced the complainant to Satnam Singh, his complicity is clearly evident.
4. I have considered rival submissions addressed before this Court.
5. The FIR does show that it is the petitioner and one Angrej Singh, who had introduced the complainant to Satnam Singh. However, it is Satnam Singh,

who is the main accused, who had accepted the amount of ₹6 lakhs after representing that he could send the complainant to Greece but the complainant was sent to Armania and was never sent to Greece.

6. Further the cheque issued by Satnam Singh for refund of the amount has since been dihonoured. In these circumstances, it is apparent that it is Satnam Singh, who is the main accused and has defrauded the complainant. The role and complicity of the petitioner would be debatable. In these circumstance, this Court does not find the present case to be a case which would warrant custodial interrogation. The petition, as such, is accepted and it is ordered that the petitioner, in the event of arrest, be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

19.2.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No