

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

106+220

**CRM-39749-2021 in/and
CRM-M-2705-2021**

Date of Decision: 25.11.2021

Vicky Rattu ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. J.S.Lalli, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

Mr. Navdeep Singh, Advocate, for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

CRM-39749-2021

For the reasons mentioned in the application, the same is allowed
and the orders are taken on record as Annexures P-1 & P-2.

CRM-M-2705-2021

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.94 dated 11.06.2020 at Police Station Division No.4, District Ludhiana, under Sections 420/120-B IPC and Section 24 of the Immigration Act.
2. The FIR in question was lodged at the instance of Jagmeet Singh Rai, wherein it is alleged that Vicky Rattu was his friend and who knew that the complainant wished to settle in Canada. Vicky Rattu

introduced the complainant to one Sunita Rani while representing that she was into immigration business and had also contested parliamentary election from Chandigarh. Vicky Rattu arranged a meeting of the complainant and his friends with Sunita, who represented that she could send the complainant or any of his friends to Canada on permanent residency basis along with work permit for 2 years for an amount of Rs.32 lakhs per person and that an amount of Rs.4 lakhs would have to be paid in advance per person. An agreement was signed between the complainant and Sunita and a payment of Rs.4 lakhs was paid by way of self-cheque bearing No.292125 dated 19.7.2019, which was duly encashed. Thereafter, Sunita and Vicky Rattu again demanded another amount of Rs.1 lakh while representing that the complainant and his wife were to be presented before Embassy. The complainant and his wife were taken to Embassy on 8.8.2019 and thereafter Vicky Rattu informed the complainant that Visa had been issued to the complainant and to his wife and asked him to deposit another amount of Rs.90,000/-. On 2.9.2019, an amount of Rs.90,000/- was transferred to the account of Vicky Rattu through NEFT. The complainant was thereafter called to Calcutta where Sunita and Vicky Rattu introduced the complainant to one Rohit Paul. Said Rohit Paul showed Visa to the complainant and to his wife and asked them to pay another amount of Rs.4 lakhs. The said amount was accordingly paid in cash to the accused on 4.9.2019. Though the accused demanded complete payment but the

complainant told them that he has to raise a loan from the bank. The complainant told them that at that point of time he could only pay an amount of Rs.2.10 lakhs by way of withdrawing the same from his account. Accordingly, the complainant withdrew an amount of Rs.2.10 lakhs from PNB Branch at Calcutta through cheque bearing No.292127 and paid the same to the three accused namely Sunita, Vicky Rattu and Rohit Paul. After returning back to Ludhiana the complainant asked the accused to procure a Visa for his daughter as well, upon which the accused asked for complete payment. The complainant after availing gold loan of Rs.8 lakhs and after receiving a friendly loan of Rs.2 lakhs from his friend Kunal gave an amount of Rs.10 lakhs to Sunita and Vicky Rattu on 17.9.2019. Thereafter on 3.10.2019 Sunita and Vicky Rattu showed a copy of Visa of complainant's daughter and demanded another Rs.3 lakhs which was given to them on 3.10.2019. However, upon seeing the copy of Visa, the complainant became suspicious as the date of issue of Visa was shown as 7.8.2019 whereas the application for issuance of Visa had been submitted on 8.8.2019. The accused thereafter sent air tickets to the complainant and also made a telephonic conversation with accused Rohit Paul who demanded the balance payment. The complainant however, insisted that he would pay the balance only after receiving back the Passports and tickets. However, subsequently the phone of Rohit Paul used to remain switched off. The complainant kept on visiting Vicky Rattu and Sunita who introduced him to Ganesh who

arranged for a talk with Rohit Paul. Rohit Paul assured that he would arrange for tickets within a week and asked him to come to Mumbai. It is alleged that although the complainant and his friend went to Bombay but could not meet Rohit Paul and ultimately returned back. After returning back the complainant asked Rohit Paul to return their Passports and tickets but Rohit Paul refused for the same and kept on pressurizing them to pay more money. The Passports of the complainant and of his family were not returned. The complainant thus alleged that the accused had thus cheated him of an amount of more than Rs.24 lakhs and that he suspects that the Visa alleged to be issued to the complainant and his family is a fake Visa.

3. Learned counsel for the petitioner has submitted that even if the allegations as leveled in the FIR are taken to be correct, it is co-accused Sunita Rani, who is the main accused, who had been given a substantial amount by the complainant and that the petitioner at best can be said to have introduced the complainant to Sunita Rani. It has further been submitted that though as per the FIR, the petitioner had been given an amount of Rs.2,90,000/-, but he had given the same to co-accused Sunita Rani.
4. On the other hand, learned State counsel assisted by learned counsel representing the complainant, has submitted that having regard to the nature of allegations and the fact that it is the petitioner, who had introduced the complainant to co-accused, no case for grant of bail is made out. Learned State counsel has,

however, informed that the petitioner as on date has been behind bars since the last about 1 year & 1 month and that he is not involved in any other case. It has also been informed that although challan has been presented and charges have been framed, but not even a single PW out of the cited 14 PWs has been examined so far.

5. I have considered rival submissions addressed before this Court.
6. Without commenting anything as regards the merits of the case, but while noticing the fact that the petitioner has been behind bars for a substantial period of about 1 year & 1 month and that the conclusion of trial is likely to consume time, as the trial has not even commenced till date and that the petitioner is, otherwise, not stated to be involved in any other case, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

25.11.2021

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**