

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

CRM-M-11154 of 2021 (O&M)
Date of Decision: March 10, 2021

Beant Singh Gill

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Achin Gupta, 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.12 dated 13.01.2021, registered under Section 420 of Indian Penal Code at Police Station City Faridkot, District Faridkot.
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 in fact, the complainant and the petitioner herein had entered into an agreement, which is available on record as Annexure P-2, which would reflect that the services of the petitioner had been engaged for assisting the complainant in submission of documents to the Embassy and processing the immigration case. It is argued that the complainant has failed to perform his duty

regarding the agreement entered into between the petitioner and the complainant, for which the entire consideration of ₹ 5,82,000/- was to be paid. It is submitted that in fact, the petitioner received an amount of ₹ 4 lacs and the balance amount is due and payable and in terms of the agreement, the papers were submitted online.

3. Notice of motion.

4. At this stage, Ms. Samina Dhir, DAG Punjab, who is present in the court, accepts notice on behalf of the respondent-State. Similarly, Mr. Nishan Singh Chahal, Advocate accepts notice on behalf of the complainant and files the power of attorney, which is taken on record. They would submit that in fact, there are two other FIRs pending against the petitioner, one of them being FIR No.48 dated 26.02.2021, under Sections 420 of IPC on similar circumstances, in which the petitioner herein had compromised the matter, however, later on backed out of the same and the another FIR being FIR No.57 dated 16.02.2020, under Sections 354, 506, 420 of Indian Penal Code. It is contended that in fact, the petitioner never submitted those papers and they were submitted by the complainant himself.

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

6. There are allegations against the petitioner in the FIR that he committed cheating with the complainant to the tune of ₹ 10,82,000/- on the pretext of sending him abroad. It is worthwhile to note that the petitioner had been given licence for providing services for immigration vide Licence No.60/MA/MC-3 dated 28.12.2018 under Punjab Prevention of Human Smuggling Act, 2012 (as mentioned in para 3 of the petition itself)

however, the petitioner herein had entered into the purported agreement on 05.09.2018. Admittedly, there are two more FIRs pending against the petitioner regarding fraud having been committed and innocent persons duped. 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.

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

March 10, 2021
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No