

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

CRM-M-12974-2021 (O&M)

Date of Decision:- 26.3.2021

Jasvir Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajesh Bhatheja, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by HC Sandeep Singh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.224, dated 1.9.2019, Police Station City Moga, District Moga, under Sections 406, 420, 465, 467, 468, 471 IPC read with Section 13 of the Punjab Travel Professional Regulation Act, 2014.
2. The FIR was lodged at the instance of Kulwant Singh, Sukhwinder Singh and Nirmal Singh wherein they alleged that they had initiated the matter of sending their children to Canada on Student Visa with Jasvir Singh agent who said that he would charge ₹13 lakhs per

student out of which ₹30,000/- will be required to be given in advance and that he would prepare the file himself. It is alleged that pursuant to the said representation they gave ₹30,000/- each per child to the aforesaid Jasvir Singh for getting the file prepared. However, later they received a letter from Embassy that GIC (Guaranteed Investment Certificate) submitted by their children is fake and that their children have been banned from going abroad for a period of 5 years.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case on account of the fact that their children were unsuccessful in getting a Visa and in fact the petitioner is not running any consultancy agency and is merely providing coaching to children for IELTS and is a reputed coaching center in the area and as many as 200 students who had taken coaching from the center are already settled abroad. It has further been submitted that the GIC was to be provided by the students/his parents and the petitioner had no role to play in the same and that as such in case the students had been declined Visa on the basis of some bogus documents supplied by the students themselves it is the student who is to be blamed for the same and the petitioner cannot be held responsible in any manner. It has further been submitted that in any case an amount of ₹60,000/- i.e. ₹20,000/- per child has already been refunded to the aggrieved students and the remaining amount of ₹10,000/- in any case had been deposited as fee.

4. Opposing the petition, learned State counsel has submitted that it is a case where the petitioner is responsible for having submitted fake “Guaranteed Investment Certificates” and that he had specifically advertised that his firm would submit and arrange for all the documents including GIC and that the petitioner used to apply for Visas on behalf of the students on the basis of bogus documents which has led to rejection of the Visa applications of the children of the complainants and in fact the said children have been barred for 5 years to apply for Visa. It has thus been submitted that no case for grant of bail is made out. Learned State counsel has however, informed that the petitioner has been behind bars since the last about 7 ½ months and that he is not wanted in any other case.
5. I have considered rival submissions addressed before this Court.
6. Without commenting anything on the merits of the case lest it may affect the proceedings of the trial but while noticing the substantial period of the detention i.e. 7 ½ months and that the petitioner is not involved in any other case, the petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

March 26, 2021

mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No