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

**CRM-M No.16784 of 2021
Date of Decision: 28.04.2021**

SITAL SINGH @ SHEETAL SINGH

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Mandeep Kaushik, Advocate
for the petitioner.

Mr. Anant Kataria, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.802 dated 13.11.2019, registered under Section 24 of the Immigration Act and Sections 406, 420 IPC (Section 120-B IPC added later on) at P.S. Civil Lines, District Karnal.

FIR was registered on the complaint of Gurnam Singh with the allegations that the complainant wanted to send his grandson Gurnoor Singh and Navreet Kaur to Canada for study.

On 27.09.2019, the complainant saw an advertisement in the newspaper that owner of Krishna Overseas Education Solution namely Sukhvinder Singh is running the business of sending the students abroad for study purposes. The complainant went to the office and inquired, where Smt. Navjot Kaur and the petitioner were found present. They took an amount of Rs.40,000/- as processing fee. After 10 days, information was received by the complainant from the side of the Institute that offer letter has been received and the complainant visited the office. The accused took an amount of Rs.18,000/- in the name of each child for LOA (Letter of Acceptance). The complainant gave an amount of Rs.5,96,000/- as school fee drawn on the bank account of the complainant in the name of Krishna Overseas Education Solution and also handed over the original documents of his grand children and their parents. The complainant was promised that the needful would be done within a month and his grand children would be sent to Canada on Visa. Thereafter on inquiry, the accused persons were not found present in the office. The allegations are of giving false assurance and of cheating the complainant in a sum of Rs.7 lakhs. The complainant also came to know that number of persons have been cheated in the similar manner. The complainant has given details of those cases.

Learned counsel for the petitioner submitted that Krishana Overseas Education Solution is a proprietorship concern which is in the name of Balbir Kalia and was registered under GST vide registration certificate dated 12.09.2019. Petitioner has not received any amount from the complainant. The aforesaid Balbir Kalia has given a press statement to the effect that he is owner of M/s Child Abroad Education and was doing this work for the last two years and the petitioner along with Navjot Kaur are his employees and not the owner of the Institute. In this way, Balbir Kalia admitted that he had received money from number of persons. He showed his willingness to refund the amount as well. Petitioner was arrested on 25.08.2020. Challan has been presented on 16.10.2020 and the case is fixed for 03.05.2021 for framing of charges. The offence is triable by the Magistrate and the trial of the case may take some time in its culmination.

Per contra, learned State counsel opposed the bail on the ground that the petitioner is having antecedent behaviour of criminal activity as he is involved in nine similar cases.

Learned counsel for the petitioner by giving details of those cases in para no.19 of the petition submitted that the petitioner has been granted bail in those cases except in FIR No.115 dated 02.09.2019 in which bail application is pending

before the competent Court at Mohali. As per the details submitted, the petitioner is in custody in the present case.

In view of the status of the investigation where challan stands presented and the offence being triable by the Magistrate, I deem it appropriate to enlarge the petitioner on regular bail, who is in custody since 25.08.2020.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

April 28, 2021

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No