

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

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**CRM-M-17368-2021 (O&M)
Date of Decision: 26.08.2021**

Ravi Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. G.B.S.Gill, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab
assisted by HC Lakhvir 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 against him vide FIR No.46 dated 24.03.2021 at Police Station Canal Colony, District Bathinda, under Sections 420, 465, 471 IPC and Section 13 of the Punjab Travel Professional (Regulation) Act.
2. The FIR was lodged at the instance of Jagroop Singh, wherein it is alleged that he had once asked Karnail Singh Kala, who is a resident of his village, as to whether he knew any reliable agent, who sends persons abroad and that Karnail Singh told him that his nephew is into the said business. The complainant went with him and met Sunny Kumar who told them that he knows a lady, who sends people abroad and took them to a girl named Harpreet Kaur

at Bathinda and the said girl further took them to the house of Ravi Kumar, who represented that he could send him abroad in 20 days and would charge an amount of Rs.1,80,000/-. The complainant being taken in by the said representation gave an amount of Rs.1,15,000/- and it was assured by the petitioner that he will get visa in 20 days. Later, when the complainant asked Harpreet Kaur about the status of visa she stated that complainant's passport had been sent along with her husband's passport and also the passport of her sister for the purpose of issuance of visa and that she shall inform him as and when the same are received. Later, he was informed that the visa has been issued and he was asked to go to Amritsar Airport where he will be handed over his visa and ticket. It is alleged that although he went to Amritsar and stayed there for 2 days, but no one came there for the purpose of handing over his passport. Later, he returned back to his house and called the accused to return his passport and his money, but they kept on making false promises.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case with the connivance of police. Learned counsel has further submitted that the connivance of the police is apparent from the fact that later the police has come out with a version that in fact a forged visa and airline ticket had been issued to the complainant, whereas there is no such reference in the FIR. Learned counsel in this regard has drawn the attention of this Court to Para 5 of order dated 09.04.2021 passed by the Additional

Sessions Judge, Bathinda, wherein it has been recorded that an inquiry into the said allegations was conducted, wherein it was revealed that a forged visa, airline ticket and medicals were provided by the petitioner.

4. Opposing the petition, learned State counsel upon instructions has submitted that since there is evidence to show that a part of the payment was also deposited in the account of the petitioner i.e. an amount of Rs.30,000/- in his bank account and an amount of Rs.10,000/- by way of Paytm transfer, no case for grant of anticipatory bail is made out.
5. At this stage, learned counsel for the petitioner has clarified as regards the payments of Rs.30,000/- and 10,000/- and has submitted that in fact the said payments were not made by the complainant, but had been made by Harpreet Kaur, who is referred to in the FIR and as such, the said payments cannot be connected with the complainant.
6. I have considered rival submissions addressed before this Court.
7. It is indeed evident that while in the FIR there is no reference to any allegation pertaining to handing over of a forged visa to the complainant, but the police during investigation has come out with this version. The payments allegedly made in the account of the petitioner cannot be said to have been made by the complainant, as it has been informed that the said payments were paid by Harpreet Kaur. It is not a case of account to account transfer. Having

regard to the aforesaid facts and circumstances, in my opinion, it is a fit case for grant of anticipatory bail. The petition, as such, is accepted and 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 investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

26.08.2021

VY/Vimal

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No