

203

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

**CRM-M No.18552 of 2021(O&M)
Date of Decision: 13.05.2021**

Sukhwinder Singh

.....Petitioner

Vs

State of Haryana

.....Respondent

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

Present: Mr. Ravinder Bangar, Advocate
for the petitioner.

Mr. Anant Kataria, DAG, 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 his second attempt in case bearing FIR No.802 dated 13.11.2019 registered under Sections 406, 420 IPC and Section 24 of the Immigration Act at Police Station Civil Line, District Karnal (offence under Section 120-B IPC has been added later on) in view of changed circumstances.

Learned counsel for the petitioner submits that during course of investigation, offence under Section 120-B IPC was

added and the petitioner was involved in criminal conspiracy with Sital Singh @ Sheetal Singh, Navjot Kaur @ Priya Sharma and Balbir Kalia. Petitioner had not received any amount from the complainant. The FIR was registered on the complaint of Gurnam Singh with the allegations that he wanted to send his grand children Gurnoor Singh and Navneet Kaur to Canada for study purposes. On 27.09.2019, the complainant saw an advertisement in the newspaper that owner of Krishna Overseas Education Solution namely Sukhvinder Singh (petitioner) is running the business of sending the students abroad for study purposes. Complainant went to the offence and inquired about the scheme, where Smt. Navjot Kaur and Sheetal Singh were found present. They took an amount of Rs.40,000/- from the complainant as processing fee. After 10 days, information was given to the complainant that a letter had been received and the complainant should visit the office. Accused took an amount of Rs.18,000/- in the name of each child for 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. Complainant was promised that the needful would be done very shortly and his grand children would be sent to Canada. Thereafter on inquiry, the accused persons were not found

present in the office. In the FIR, the allegations are of giving false assurance and of cheating the complainant in a sum of Rs.7 lacs. Complainant further stated that the accused have cheated number of persons in the similar manner.

Learned counsel for the petitioner further submits that Krishna Overseas Education Solution is a proprietorship concern of Balbir Kalia, which was registered under GST vide registration certificate dated 12.09.2019. Even aforesaid Balbir Kalia has given a press statement to the effect that he is owner of M/s Child Abroad Education and is doing this work for the last two years. Petitioner is not the owner of the said institute. The aforesaid Balbir Kalia had admitted that he had received the money from number of persons and also showed his willingness to refund the same to those complainants. Learned counsel further submits that earlier bail was withdrawn on 05.02.2021 in CRM-M No.16456 of 2020. Thereafter co-accused Sheetal Singh filed CRM-M No.16784 of 2021 and this Court after recording detailed facts with reference to the material on record, granted bail to the co-accused vide order dated 28.04.2021. Petitioner is in custody since 21.11.2019. Challan has already been presented on 08.01.2020. The maximum sentence for the offences in question is upto 7 years and in view of recommendations of the High Powered Committee, the

petitioner can be released on bail during currency of COVID-19 pandemic.

Learned State counsel, however, opposed the bail on the ground that there is no change in circumstance from 05.02.2020 when the prayer of the petitioner for regular bail was ordered to be dismissed as withdrawn.

I have heard learned counsel for the parties.

Petitioner is in custody since 21.11.2019. Challan stands presented. Offence is triable by the Magistrate. In view of recommendations of the High Powered Committee and keeping in view the bail granted to the co-accused Sheetal Singh, I deem it appropriate to enlarge the petitioner on regular 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.

(RAJ MOHAN SINGH)
JUDGE

13.05.2021
Prince

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No