

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

CRM-M-20753 of 2021

DATE OF DECISION :- May 28, 2021

Rajan Arora

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Anil Kumar Garg, Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

The case has been taken up through Video Conferencing.

This petition for pre-arrest bail has been filed by petitioner Rajan Arora son of Sh. Avinash Arora, aged 37 years, resident of M-89, Block-A, Basant Vihar, Noorwala Rorad, Ludhiana, District Ludhiana, an accused in F.I.R. No. 318 dated 31.12.2020 registered with Police Station Division No. 6, District Police Commissionerate Ludhiana for offence under Sections 420 IPC and Section 24 of the Immigration Act.

Briefly stated the facts of the case as per prosecution story are that complainant Jaspreet Kaur daughter of Harbans Singh, resident of Village Malla, Tehsil Jagraon, District Ludhiana working as a nurse in Shri Rama Charitable Hospital, Dholewal CH Ludhiana and her cousin Rajvir Singh wanted to migrate abroad. Jaspreet Kaur had a talk with Dr. Rocky in that regard who fixed a meeting with Rajan Kumar (petitioner). Petitioner accused Rajan Arora had represented himself to be a licensed travel agent

and demanded a sum of Rs.24 lacs for ensuring migration of complainant Jaspreet Kaur and her cousin Rajvir Singh to Canada. Jaspreet Kaur and Rajvir Singh agreed to pay that amount to petitioner accused and handed over their Passports and other documents besides paying him a sum of Rs.17 lacs. An agreement was executed in that regard on 14.8.2018 specifically mentioning that petitioner accused had received Rs.17 lacs from complainant party, however, petitioner accused could not get the work done. He refused to return the money to the complainants, as such played a fraud with the complainants Jaspreet Kaur and Rajvir Singh. A written complaint to the police was made in that regard. Similarly, Nitin Kumar son of Suresh Kumar, resident of Village Sanga Swin, Tehsil Jhandudutta, District Bilaspur, Himachal Pradesh has submitted complaint against the petitioner accused for committing fraud with him for a sum of Rs.12 lacs on the pretext of sending him to Canada. Another complaint was submitted by Anil, resident of Ludhiana that petitioner accused had cheated him of Rs.50,000/- on pretext of sending him to Dubai. All the complaints were enquired into and were found to have merit.

Thereafter formal F.I.R in the matter was recorded. Apprehending his arrest in this case, petitioner had approached the Court of Sessions at Ludhiana seeking grant of pre-arrest bail but was unsuccessful, as such he has knocked at the door of this Court craving of grant of similar relief, which request is being opposed by the State counsel, who has filed written reply.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

I find that the petition is doomed for failure. The allegations

against the petitioner are very serious in nature of having committed fraud of lacs of rupees with innocent persons on the pretext of sending them abroad without actually ensuring their migration. He is alleged to have refused to return the money received by him from the complainants. The custodial interrogation of the petitioner is required to effect the money and documents received by him from the complainants. In case custodial interrogation of the petitioner is denied to the investigating agency that shall leave many loop holes, lacuna and gap adversely affecting the case of the prosecution, which is uncalled for. Thus keeping in view the seriousness of the allegations against the petitioner accused and necessity for his custodial interrogation, he cannot be granted relief of pre-arrest bail, which is meant to save the innocent persons who have been wrongly framed in criminal cases for political or such like reasons from harassment and inconvenience and not to shield the criminals from arrest and custodial interrogation. Accordingly, the petition is dismissed.

**(H.S. MADAAN)
JUDGE**

May 28, 2021
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No