

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

CRM-M-35290-2021 (O&M)
Date of Decision:- 30.9.2021

Daljit Rai Jassal

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajiv Joshi, Advocate for the petitioner.

Mr. A.P.S.Gill, DAG, Punjab
assisted by ASI Talwinder Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No.90 dated 22.7.2021 under Sections 406, 420 IPC and under Section 13 of the Punjab Travel Professionals (Regulation) Act at Police Station Bhogpur, District Jalandhar.
2. The FIR was lodged at the instance of Jasvir Singh and Dheeraj Bangar wherein it is alleged the complainant Dheeraj Bhangar and Jasvir Singh have been working in Dubai since 11.12.2018 but Dheeraj Bhangar came to India on 6.12.2019 and upon his return he met Daljit Rai Jassal on 24.12.2019, who represented that he can sent him to Canada within 15 days and that he knows a person who issues work permits for Canada namely Rajvir Singh. He convinced them and stated that the cost of sending one person to Canada would be ₹ 20 lacs and that an amount of ₹3 lacs would be required to be

deposited in advance and once VISA is issued, the remaining ₹7 lacs would have to be paid and that the balance amount may be paid upon reaching Canada. It is alleged that Daljit Rai Jassal introduced them to Rajvir Singh over telephone, who assured them that Jagjit Singh, who is a resident of Canada is going to be married to his daughter and that he had sent several persons abroad and accordingly, the said persons got them introduced to Jagjit Singh. Since Daljit Rai Jassal and Rajvir Singh both belong to the neighbouring village of the complainant, they trusted them. The complainant, his uncle's son and Jasvir Singh gave the accused their documents on 24.12.2019. On 26.12.2019, Daljit Rai Jassal came to the complainant's house and the complainant and his uncle's son gave him an amount of ₹3 lacs. Another amount of ₹ 3 lacs was given to Daljit Rai Jassal on 3.1.2020. It is alleged that Daljit Rai Jassal sent copies of LMIA (Labour Market Impact Assessment) on WhatsApp and told them that these are the documents for their work permit. Thereafter, Daljit Rai Jassal took the complainant and Jasvir Singh alongwith him to Delhi and made them deposit their files and passports in VFS office where they also deposited a fee of ₹28,000/- as Embassy fees. After few days i.e. on 20.1.2020, Jagjit Singh called the complainant and told them to transfer ₹1.5 lacs more to the account of Ranjit Singh, who is brother-in-law of Rajvir Singh in his Account No.50100286103834, Branch Chabewal, District Hoshiarpur. Since Jagjit Singh had represented that he could send one more person abroad, therefore, complainant's friend Jaskaran Singh who was also interested gave his documents and also deposited an amount of ₹3 lacs in the account of Ranjit Singh i.e. Account No.50100286103834, Branch Chabewal, District Hoshiarpur on 4.1.2020. It is, thus, alleged that a total of

₹ 11 lacs had been paid to the said persons. On 15.3.2020, the complainant received a message from V.F.S. office that they could collect their passports. A letter was also received from the Embassy informing them that LMIA submitted by the complainants was fake and that in case an explanation is not furnished to the Embassy within 15 days, they would be banned from travelling to Canada for the next 5 years. When the complainants confronted the accused, they assured that they would get the ban withdrawn and would reapply for the VISA. However, when the complainant demanded their money back, they refused for the same.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the instant case and that infact it is a case where he himself has also been cheated. It has been submitted that the petitioner is infact a Taxi driver and had been carrying passengers for travel agent and co-accused Rajvir Singh to Delhi Airport and on account of which he thought that Rajvir Singh was capable of settling persons abroad and while carrying said impression, he had told the complainant Dheeraj Bangar about said Rajvir Singh.
4. Opposing the petition, the learned State counsel has submitted that there are specific and direct allegations against the petitioner which clearly show that he was part and parcel of the entire racket and fleecing innocent persons and as such, no case for grant of anticipatory bail is made out.
5. I have considered rival submissions addressed before this Court.
6. The allegations, do indicate that the petitioner has played an active role in depriving the complainants of a huge amount of about ₹11 lacs. The explanation being furnished by the petitioner that he is merely a taxi driver

does not appeal to reason keeping in view the role attributed to him which cannot be said to be a passive role by any standards. While it can be said that the accused have made efforts to facilitate issuance of VISAs to the complainants but it is a case where they have furnished fake and forged documents to the Embassy of Canada and on account of which the Embassy has not just rejected their VISA but has even barred them from applying for the same for 5 years. In these circumstances, no special case for grant of anticipatory bail is made out.

7. The petition is sans merit and is hereby dismissed.

30.9.2021

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No