IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-35303-2021
Date of decision: 23.09.2021

Karanvir Singh **...Petitioner**

Versus

State of Punjab **...Respondent**

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Bhupinder Ghai, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. *(Oral)*

The petitioner prays for grant of anticipatory bail in FIR No. 73 dated 09.07.2021, under Sections 420, 406, 120-B of the IPC, Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014 and Section 10 of Immigration Act at Police Station Longowal, District Sangrur.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant Lakhbir Singh, it is stated that two persons, namely Kuldeep Singh and her wife Khushbir Kaur, have committed a fraud of Rs. 10 Lakh with him under the pretext of sending him abroad.

Learned counsel further submits that it is further stated in the FIR that the complainant was willing to go to Canada and he came in contact with Kuldeep Singh and his wife Khushbir Kaur in Max Hospital, Chandigarh in 2018, where they told him that they are immigration consultants and they can send the complainant to Canada. Both of the parties exchanged their mobile numbers and a deal was done for Rs. 20 Lakh, out of which, Rs. 10 Lakh was paid in advance. Later on, aforesaid two persons called the complainant to Elante Mall, Chandigarh, where the petitioner was also present and thereafter, on 12.03.2018, both, Kuldeep Singh and Khushbir Kaur, came to Sangrur and gave their account number of HDFC Bank and the complainant transferred Rs. 10 Lakh to their account with an assurance given by them that the work will be done within one month. However, when the aforesaid persons failed to get a Visa, the complainant aksed Kuldeep Singh to return the money and his wife Khushbir Kaur gave a cheque of Rs. 10 Lakh from their joint account but it bounced.

Learned counsel further submits that in fact no amount was given to the petitioner as it is the own case of the complainant that he had given to aforesaid two persons and except for one instance in the FIR, when it is stated that petitioner along with aforesaid two accused has met complainant at Elante Mall, Chandigarh, there is no other allegation against him.

Learned counsel further submits that since the aforesaid two co-accused are not traceable, the petitioner has falsely been implicated.

Reply, by way of affidavit of DSP, Sub Division Sunam, District Sangrur, has been filed in Court today. As per reply, an amount of Rs. 10 Lakh was paid to Kuldeep Singh and his wife Khushbir Kaur and the cheque, given by Khushbir Kaur for Rs. 10 Lakh, was bounced. It is also stated that Kuldeep Singh is involved in FIR No. 55 dated 28.07.2004, U/s 489A, 411, 414 of the IPC, PS-Khalra, District Tarn Taran as well as in FIR

No. 117 dated 21.05.2014, U/s 420, 493, 494, 495 of the IPC at PS-Contonement City, Amritsar. It is further stated that the original Passport and other documents of the complainant were to aforesaid Kuldeep Singh and Khushbir Kaur when the amount of Rs. 10 Lakh was given. It is also stated that the petitioner is involved in two more FIRs of 2012 and 2017 and in one FIR, he stands acquitted and the role of the petitioner, in the present case, was that he was in touch with aforesaid co-accused for running a racket for duping the people and out the amount, which was given by the complainant to Kuldeep Singh and Khushbir Kaur, later on, Kuldeep Singh has given an amount of Rs. 50,000/- to the present petitioner.

After hearing learned counsel for the parties, considering the investigation conducted so far, which leads to a conclusion that the complainant has given an amount of Rs. 10 Lakh to aforesaid Kuldeep Singh and Khushbir Kaur for sending him abroad and out of the said amount, Kuldeep Singh has given an amount of Rs. 50,000/- to petitioner, it is found that no other evidence has come against the petitioner that he was actively involved in duping the complainant.

Accordingly, the present petition is allowed and the petitioner is granted concession of anticipatory bail, subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioner to join investigation, if so required, by issuing him a written notice in this regard.

23.09.2021 **(ARVIND SINGH SANGWAN)**
Waseem Ansari **JUDGE**

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