

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-34122-2020 (O&M)
Date of Decision:-15.3.2021

Kulwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amit Kumar Saini, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Naresh Kumar.

(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 vide FIR No.08 dated 21.1.2020 at Police Station Sadar Khanna, District Ludhiana under Sections 420, 406 and 120-B of Indian Penal Code and Section 24 of Immigration Act.
2. In nutshell, the allegations are that Sukhchain Singh, Sarabjit Singh and Harinder Singh have been cheated of lakhs of rupees by the accused on the pretext of sending them to Canada. It is alleged that the accused had represented that they would send the complainants abroad for an amount of

₹16 lakhs per person. It is alleged that in March 2019 an amount of ₹2 lakhs each was paid by Sukhchain Singh and Sarabjit Singh and thereafter another ₹2 lakhs each was paid by them. It is further alleged that subsequently in November 2019 Sukhchain Singh and Sarabjit Singh paid an amount of ₹4 lakhs each while Harinder Singh paid an amount of ₹5 lakhs.

3. The learned counsel for the petitioner has submitted even a perusal of the FIR would clearly show that it is Amrit Singh @ Amar Singh Sohal @ Sukha, who had held out the representation for sending the complainants abroad and that it is Amrit Singh @ Amar Singh Sohal @ Sukha, who had accepted the said money. It has been submitted that the name of petitioner has been falsely included in the FIR in order to pressurize Amrit Singh @ Amar Singh Sohal @ Sukha, who is abroad, mainly on account of the fact that the petitioner happens to be maternal uncle of aforesaid Amrit Singh @ Amar Singh Sohal @ Sukha.
4. Learned counsel for the petitioner has further submitted that infact during the course of investigation, the complainants have categorically stated that no amount was ever deposited in the account of Kulwinder Singh and that whatever amount was given in cash, the same was given to Amrit Singh @ Amar Singh Sohal @ Sukha. Learned counsel in this regard has referred to the statement of Sukhchain Singh and others annexed as Annexure P-2. Learned counsel has also referred to an affidavit furnished by Sarpanch of the village and also by a Member Panchayat of the village, annexed as Annexures P-3 and P-4.
5. Opposing the petition, learned State counsel has submitted that since the name of the petitioner specifically figures in the FIR, no case for grant of

anticipatory bail is made out. Learned State counsel has, however, informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation.

6. I have considered rival submissions addressed before this Court.
7. Keeping in view the fact that specific allegations regarding the entrustment of the amount in question have been made against co-accused Amrit Singh @ Amar Singh Sohal @ Sukha and that the petitioner *prima facie* appears to be named being the maternal uncle of Amrit Singh @ Amar Singh Sohal @ Sukha and while noticing that the petitioner has joined investigation, the petition is accepted and the interim directions issued by this Court vide order dated 28.10.2020 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
8. It is, however, clarified that none of the observation made above shall be taken to be an expression on merits of the main case.

15.3.2021

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**(Gurvinder Singh Gill)
Judge**

Whether reasoned/speaking Yes / No

Whether reportable Yes / No