

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

CRM-M-43529-2021 (O&M)
Date of Decision:- 25.11.2021

Major Singh Bawa

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Saurabh Kaushi, Advocate for the petitioner.

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

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case registered against him vide FIR No. 182 dated 22.9.2021 under Sections 420 IPC at Police Station City Gurdaspur, District Gurdaspur.
2. The FIR was lodged at the instance of Sahil Luthra wherein it is alleged that his relative Rajiv Kumar told him that Narain Garg, Major Singh Bawa (petitioner) and Gurjit Singh @ Monu are into business of sending people abroad and in case the complainant was interested in going abroad then he could introduce them to the said three persons. The complainant and his relative Rajiv Kumar met the aforesaid three persons who demanded an amount of ₹ 25 lacs for preparing his passport and to send him to Australia. The complainant alleges that he paid an amount of ₹ 10 lacs to the accused in cash and it was agreed that remaining ₹ 15 lacs would be paid when the complainant is sent abroad. Later, when the complainant asked the said

three persons about sending him abroad, they demanded the balance amount as well and consequently, the complainant's relative Rajiv Kumar transferred an amount of ₹ 15 lacs from his bank account No. 01621000210108 to the bank account no. 50100316663217 on 20.11.2019. It is further stated that Narain Garg for the purpose of giving an assurance and guarantee had executed an agreement for sale of his land measuring 16 Bighe 8 Biswa and land measuring 6 Bighe 5 Biswa in favour of Rajiv Kumar. It is alleged that Gurjeet Singh @ Monu in order to cheat them told them that he also wanted to send one of his relatives abroad and requested the complainant to get his name also scribed in the agreement regarding payment of an amount ₹ 9 lacs from his account no. 913010043690367. However, later on it was revealed that the aforesaid bank account of Gurjeet Singh already stood closed since long. Although, the complainant requested the accused repeatedly to send him abroad or to return his money but to no avail. It is alleged that on 19.8.2020, the accused stated that on account of spread of COVID-19, the complainant could not be sent abroad and that they would return the amount of ₹ 25 lacs by 25.11.2020 after selling the land in question and accordingly requested the complainant to cancel the agreement to sell and to scribe a new writing. As such, a new affidavit dated 19.8.2020 was executed. The complainant has alleged that subsequently he came to know that the accused work as a gang and had executed several agreements in favour of several people in respect of the same very land and had, thus, cheated the complainant.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the instant case and that he is an Advocate by

profession practicing at Panchkula and has nothing to do with the alleged racket of sending people abroad. The learned counsel has further submitted that infact he was abducted by the complainant and others and in respect of which a report was lodged in the police station at Panchkula when he was found missing from his home and later FIR under Sections 384, 342, 506, 149, 149 IPC was lodged at Police Station City Gurdaspur, District Gurdaspur at the instance of co-accused Narinder Garg. It has further been submitted that the complainant infact is a criminal type of person having been involved in a large number of cases and had also been declared a proclaimed offender.

4. Opposing the petition, the learned State counsel has submitted that the petitioner is specifically named in the FIR and there are specific allegations to the effect that the petitioner alongwith his co-accused had defrauded the complainant and cheated him of a huge amount and that a part of the amount had also been paid through bank which establishes the complicity of the accused including that of the petitioner and that 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, as levelled in the FIR, are very clear and specific against three persons including the petitioner who are all alleged to have cheated the complainant of an amount of ₹25 lacs including an amount of ₹15 lacs which was paid through bank transaction which according to the police was transferred in the bank account of co-accused Narain Garg. The allegations, as levelled in the FIR, would *prima facie* stands substantiated from the factum of transfer of amount of ₹15 lacs in the account of co-accused

Narain Garg for which no sufficient explanation is forthcoming. In these circumstances, this Court does not find any special case for grant of anticipatory bail.

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

25.11.2021

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No