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Date of Decision: 17.12.2021

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Rahul Bhargava, Advocate,
for the petitioner.

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

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.241 dated 11.09.2020 at Police Station 'A-Division', District Amritsar, under Sections 420/467/468/471/120-B IPC.
2. The FIR was lodged at the instance of Sukhraj Singh, wherein it is alleged that he had been working as a driver in Saudi Arabia and that when he came to India in the month of December, 2019, he met Jasdev Singh, who represented that he knew Ravinder Singh (petitioner), who sends people abroad to countries, such as, Germany, Italy, Canada, USA & Australia as drivers on handsome salary. The complainant was taken in by the said representation. Thereafter he received a message from Jasdev Singh, who stated that the complainant could be sent to Australia for an amount of

Rs.20 lakhs. However, the deal was settled at Rs.16.5 lakhs. As per the allegations leveled in the FIR, an amount of Rs.8 lakhs had been given to Vasava Deepak, who is stated to be a partner of Ravinder Singh. It is further alleged that the petitioner had also been handed over an amount of Rs.6 lakhs. It is alleged that although passport of the complainant was handed over to him along with visa, but the same was found to be forged.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case. It has been submitted that the petitioner and Jasdev Singh are in the same business of travel & tourism and that he has nothing to do with the allegations as leveled by the complainant. Learned counsel has further submitted that the petitioner in any case is willing to amicably resolve the matter and in order to show his bona fide, he shall deposit an amount of Rs.1 lakh before the trial Court within 15 days from today and in case any settlement is worked out, he shall pay the settled amount also within a short period.

4. Opposing the petition, learned State counsel has submitted that the petitioner is hand in glove with Jasdev Singh and cannot escape from his liability, as there are clear and specific allegations qua role played by him as regards the false representation of sending the complainant abroad and in fact there are also specific allegations to the effect that he had received an amount of Rs.6 lakhs from the complainant although the complainant was never got issued any genuine visa for Australia. Learned State counsel

has, however, informed that the petitioner as on date has been behind bars since the last about 1 year & 3 months and that he stands involved in 2 other cases i.e. one under the NDPS Act and another under Section 420 IPC.

5. I have considered rival submissions addressed before this Court.
6. Without commenting anything as regards the merits of the case, but while noticing that the petitioner has been behind bars for a substantial period of 1 year & 3 months and also the offer to deposit an amount of Rs.1 lakh before the trial Court so as to show his bona fide for the purpose of working out some amicable settlement, the petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
7. The aforesaid order, however, shall be subject to the condition that the petitioner deposits an amount of Rs.1 lakh, as per his offer, before the trial Court/Illaq Magistrate within a period of 15 days from today. The petitioner is also directed to deposit another amount of Rs.1 lakh before the trial Court/Illaq Magistrate by 28.02.2022. On deposit of the aforesaid amounts, the same shall be got invested in FDR in some Nationalized Bank. The trial Court/Illaq Magistrate shall, however, issue specific directions to the Bank concerned not to entertain any request for encashment of the same except under orders of the Court. In case, the petitioner is ultimately found guilty and convicted and such conviction

attains finality, the complainant shall be entitled to proceeds of said FDR. However, in case the accused/petitioner is found innocent and such acquittal attains finality, the petitioner shall be entitled to proceeds of the said FDR along with interest.

8. Needless to mention, it shall be open to the petitioner to work out some amicable settlement in case the same is possible.

17.12.2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**