

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

CRM-M-40914-2020 (O&M)

Date of Decision: 02.03.2021

Jasvinder @ Jasmender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Aman Pal, Advocate, for the petitioner.

Mr. Ramesh K. Ambavta, AAG, Haryana,
assisted by SI Naresh Kumar.

Mr. Rajesh Duhan, Advocate, for the complainant.

(proceedings conducted through video conferencing)

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.244 dated 09.07.2020 at Police Station Madlauda, District Panipat, under Sections 406/420 IPC and Section 24 of the Immigration Act (Sections 384/370 IPC added later on).
2. The FIR in question was lodged at the instance of Satbir Singh, wherein it is alleged that in June, 2019, he planned to send his son to America and for the said purpose, Pala, who was already known to him, introduced him to Jaswant and Jasvinder while stating that the said persons will send his son to America. The complainant

while trusting Pala entered into a deal with them to send his son to America for an amount of Rs.35 lakhs. It is alleged that the complainant sold his land so as to make payment to the aforesaid persons. On 28.06.2019, the complainant paid an amount of Rs.6 lakhs to Jaswant and Jasvinder, who were already present in the house of Pala. It is alleged that another amount of Rs.6 lakhs was given on 21.07.2019 at the house of Pala where he met Jasvinder and when the complainant made a phone call to accused Jaswant, he was told to handover the amount to aforesaid persons, as they all were working jointly. He further stated therein that the complainant's son was taken from Ecuador to Kapurgana, where his son was kept with a 'Dokar', who pressurized his son to arrange a sum of Rs.10 lakhs failing which he would be confined in jail. The complainant being scared paid another amount of Rs.10 lakhs on 06.10.2019 in the house of Jaswant, where he could not meet Jaswant or Jasvinder and consequently the amount was paid to Sheela Devi wife of Jaswant. The complainant's son was thereafter sent to Guatemala through forest, where 'Dokar' demanded another amount of Rs.2,80,000/- on account of his stay. It is, thus, alleged that the complainant paid a total amount of Rs.24,80,000/- for sending his son to America, but his son was not sent and returned back to India in the month of November, 2019. After the return of the complainant's son to India, the complainant convened a Panchayat, where the accused Jaswant refunded an amount of Rs.2,80,000/-, but the remaining amount of Rs.22 lakhs

has not been returned till date although the accused had affixed their thumb impressions on receipts.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in fact it is co-accused Jaswant Singh, who at best can be said to be the person, who has held out some representations for sending the complainant's son abroad and had taken an amount of Rs.22 lakhs. Learned counsel in order to hammer-forth his aforesaid submission has drawn the attention of this Court to a supplementary statement of the complainant recorded on 13.07.2020 (Annexure P-7) i.e. after about 4 days of lodging of the FIR, wherein apart from stating that he was introduced to Jaswant and Jasvinder by Pala, he has not levelled a single allegation against the petitioner (Jasvinder) and has categorically stated that the initial payment of Rs.6 lakhs and thereafter another payment of Rs.6 lakhs and payment of Rs.10 lakhs were all made to Jaswant, co-accused.
4. Learned counsel in order to further substantiate his case has drawn the attention of this Court to 3 receipts annexed as Annexures P-2 to P-4. The vernacular of the said receipts indicate that the same have been duly signed by Jaswant and by the complainant Satbir Singh and the same do not bear the signatures of the petitioner (Jasvinder).
5. Keeping in view the aforesaid factual position, it will be debatable as to whether the petitioner had also actively participated in the commission of offence in question or not. On the last date of hearing, this Court had asked the State counsel to verify as regards

the involvement of the petitioner in other cases, as the complainant had stated that the petitioner is involved in 6/7 other cases. The State has filed its reply as regards the said query, wherein it is stated that apart from the instant case, the petitioner happens to be involved in one more case lodged under the provisions of Section 135/151 of the Electricity Act.

6. The petitioner as on date has been stated to be behind bars since the last about 7 months and challan already stands presented. In these circumstances, especially keeping in view the role of the petitioner, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, 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.

02.03.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

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

Whether reportable: **Yes/No**