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

CRM-M-41192-2020 (O&M)
Date of Decision:-26.7.2021

Rupinder Singh … Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rakesh Sobti Advocate for the petitioner.

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

(proceedings conducted through video conferencing)

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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.163 dated 23.5.2018 at Police Station Division No.5, Police Commissionerate, Ludhiana under Section 420 of Indian Penal Code.

2. The FIR in question was lodged by Harvinder Kaur wife of Sarabjit Singh, wherein it is alleged that the petitioner Rupinder Singh had represented that he could send complainant's nephew namely Sukhwinder Singh to 'Canada' for an amount of ₹18 lakhs and while holding out such representation had

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taken the said amount from the complainant but neither her nephew was sent abroad nor the amount in question was returned back to her.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and infact it is a case where the complainant as well as her son Inderpreet Singh, her nephew Amandeep Singh and her relative Manpreet Kaur wife of Sukhjinder Singh are running a Visa Immigration Agency as would be evident from their visiting card annexed as Annexure P-3.

4. Learned counsel for the petitioner has submitted that infact it is the petitioner, who had paid an amount of ₹18 lakhs to the complainant Harvinder Kaur through her relatives/partners for the purpose of sending petitioner's wife abroad. Learned counsel submits that the fact that the said amount was transferred would be established from the account statement (Annexure P-1) from which the following transactions can be discerned as have also been reproduced in para No.2 of the petition, which are reproduced hereinunder:

Sr. No.	**Cheque No.**	**Dated**	**In favour**	**Amount**
1.	789364	21.07.2010	Manpreet Kaur	Rs.5 lacs
2.		12.11.2010	Manpreet Kaur	Rs.1.70 lacs
3.	789782	26.11.2010	Amandeep Singh	Rs.4 lacs
4.	789784	29.01.2011	Amandeep Singh	Rs.3 lacs
5.	Cash Payment	14.03.2011	Inderpreet Singh	Rs.3 lacs
6.	Besides this, the petitioner had also given a bank draft of Rs.1,09,477/- as Embassy Fees to Inderpreet Singh on 22.07.2010			

5. Vide order dated 6.1.2021, the following directions had been issued to learned State counsel:

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> "In view of the aforestated position, learned State counsel to seek information as to whether the complainant Harvinder Kaur, Amandeep Singh, Inderpreet Singh and Sukhjinder Singh are indeed running a travel consultancy agency as reflected in the visiting card (Annexure P-3) and in the other documents i.e. Annexures P-4 to Annexure P-6."

6. Learned State counsel has today informed that Manpreet Kaur, Amandeep Singh and Inderpreet Singh are all related to Harwinder Kaur (complainant). The aforesaid information as furnished by learned State counsel casts a serious doubt on the case of the prosecution inasmuch it rather transpires that it is the petitioner, who had made payments to the relatives of the complainant. Learned State counsel has not disputed the fact that the petitioner is not involved in any other identical case pertaining to sending anybody abroad. It has also been informed that pursuant to interim directions, the petitioner has since joined investigation and that he is not required for any custodial interrogation.

7. I have considered rival submissions addressed before this Court.

8. Although allegations of payment of an amount of ₹18 lakhs have been levelled by the complainant, which is alleged to have been paid by the complainant to the petitioner for the purpose of sending her nephew abroad but the documents referred to by the petitioner rather indicate a different picture, which shows that infact it is the petitioner, who had paid huge amounts to the complainant through her relatives, who are associated with her Visa and Immigration Consultancy firm. In any case, the petitioner is already stated to have joined investigation and is not required for any custodial interrogation and is not even stated to be a habitual offender. In these circumstances, custodial interrogation of the petitioner is not

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warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 6.1.2021 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.

26.7.2021 **(Gurvinder Singh Gill)**
pankaj **Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No

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