

CRM-M-41886-2020

Date of Decision:28.09.2021.

Jagroop Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Ashok Kumar Khunger, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the petition under Section 438 Cr.P.C is for grant of pre-arrest bail to the petitioner in case FIR No.0004 dated 07.01.2020 registered under Sections 420, 465, 467, 468, 471, 120-B IPC and Section 13, Punjab Prevention of Human Smuggling Act, 2012 at Police Station Arniwala, Distt. Fazilka.
3. Learned counsel contends that the petitioner has been implicated in a false case as money was credited in the account of the co-accused Deepak Badlani and no money was paid either in his account or in cash, besides, the petitioner is ready and willing to join investigation and fully cooperate in the same.
4. Learned State Counsel on the basis of reply contends that the complainants and petitioner were friends and while complainant Gurpreet Singh and the petitioner are from the same village, complainant Naresh Kumar is resident of adjacent village, that as the petitioner had visited

Dubai, the complainants had expressed interest to go abroad whereupon the petitioner told the complainant that he knew one Deepak Badlani (Co accused), who had sent many persons abroad and that he had also sent many persons abroad through said Deepak Badlani and demanded Rs.4,00,000/- per person for sending them abroad with half of the amount to be payable in advance and the balance to be paid after issuance of visa, whereupon the complainants agreed for the same. The petitioner also sent photocopy of cheque No.008171 for Rs.1,45,000/- through Whatsapp to the complainants allegedly issued by co-accused Deepak Badlani assuring the complainants that if the co-accused Deepak Badlani did not return the amount, the said cheque would be go encashed. Accordingly, complainant Gurpreet Singh on the asking of the petitioner paid Rs.2.89 lacs in the account of co-accused Deepak Badlani including Rs. 70,000/- to the petitioner as per details given below:-

(a)	Rs.20,000/-	On 18.09.2018, Rs.20,000/- was transferred in the account of the accused Deepak Badlani, bank a/c No. 37908764485 of State Bank of India (through UPI transfer)
(b)	Rs.5,000/-	On 18.09.2018, Rs.5,000/- was transferred in the account of the accused Deepak Badlani, bank a/c No. 37908764485 of State Bank of India (through UPI transfer)
(c)	Rs.5,000/-	On 18.09.2018, Rs.5,000/- was transferred in the account of the accused Deepak Badlani, bank a/c No. 37908764485 of State Bank of India (through UPI transfer)
(d)	Rs.5,000/-	On 18.09.2018, Rs.5,000/- was transferred in the account of the accused Deepak Badlani, bank a/c No. 37908764485 of State Bank of India (through IMPS transfer)
(e)	Rs.9,000/-	On 28.09.2018, Rs.5,000/- and Rs.4,000/- were

		transferred in the account of the accused Deepak Badlani, bank a/c No. 37908764485 of State Bank of India from the account of Gurnam Singh (uncle of complainant Gurpreet Singh)
(f)	Rs.5,000/-	On 18.09.2018, Rs.5,000/- was transferred in the account of the accused Deepak Badlani, bank a/c No. 37908764485 of State Bank of India (through IMPS transfer)
(g)	Rs.1,00,000/-	On 22.10.2018, Rs.1,00,000/- was deposited in cash in the account of the accused Deepak Badlani, bank a/c No.37908764485 of State Bank of India by Gurnam Singh (uncle of complainant Gurpreet Singh)
(h)	Rs.25,000/-	On 24.10.2018, Rs.25,000/- was transferred in the account of the accused Deepak Badlani, bank a/c No.37908764485 of State Bank of India by Gurnam Singh (uncle of complainant Gurpreet Singh) from his bank account.
(i)	Rs.20,000/-	On 29.10.2018, through two separate transactions of Rs.10,000/- each was transferred in the account of the accused Deepak Badlani, bank a/c No.37908764485 of State Bank of India by Gurnam Singh (uncle of complainant Gurpreet Singh) from his bank account.
(j)	Rs.25,000/-	On 22.11.2018, Rs.25,000/- was transferred in the account of the accused Deepak Badlani, bank a/c No.37908764485 of State Bank of India by Gurnam Singh (uncle of complainant Gurpreet Singh) from his bank account.
(k)	Rs.70,000/-	Rs.70,000/- was paid by the complainant Gurpreet Singh to the accused Jagroop Singh.

5. Likewise, complainant Naresh Kumar paid Rs.3.30 lac in the account of co-accused Deepak Badlani including Rs.1,11,000/- in cash to the petitioner as per details given below:

(a)	Rs.1,45,000/-	On 11.10.2018, Rs.1,45,000/- was transferred in the account of the accused Deepak Badlani, bank a/c No.37908764485 of State Bank of India (through NEFT) by Parmod Kumar
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		brother of the complainant.
(b)	Rs.20,000/-	On 12.11.2018, Rs.20,000/- was transferred in the account of the accused Deepak Badlani, bank a/c No.37908764485 of State Bank of India (through NEFT) by Parmod Kumar brother of the complainant.
(c)	Rs.29,000/-	On 12.11.2018, Rs.29,000/- was transferred in the account of the accused Deepak Badlani, bank a/c No.37908764485 of State Bank of India (through NEFT) by Parmod Kumar brother of the complainant.
(d)	Rs.25,000/-	On 20.11.2018, Rs.25,000/- was transferred in the account of the accused Deepak Badlani, bank a/c No.37908764485 of State Bank of India (through NEFT) by Parmod Kumar brother of the complainant.
(e)	Rs.1,11,000/-	Rs.40,000/-, Rs.30,000/-, Rs.30,000/- and Rs.11,000/- paid in cash to the accused Jagroop Singh.

6. Learned AAG further contends that the petitioner also sent Whatsapp of copies of visa and air tickets to the complainants for their journey on 26.11.2018 from Delhi to Moscow and when the complainants tried to contact him before starting for Delhi, mobile phone of the accused was switched off whereupon the complainants met the accused for returning the amount but accused neither sent the complainants abroad nor returned their money and in this way cheated the complainants of Rs.6,19,000/- in connivance with the co accused. Learned AAG further contends that Complainant Gurpreet Singh also got recorded his statement that the petitioner had sent to him via Whatsapp, copy of cheque No.766232 for Rs.3,00,000/- issued by one Sanjay Kumar in favour of co-accused Deepak Badlani while assuring him that co-accused Deepak Badlani would return the amount after getting the said cheque encashed from the Bank. Learned

AAG contends that it is apparent that the petitioner in connivance with Deepak Badlani was having dishonest intention to cheat the complainants from the very beginning and induced them to part with money by holding out false assurances as also by sending them forged visa papers as well as air tickets, but neither sent them abroad nor returned their money and are now absconding, that custodial interrogation of the petitioner and co-accused is essential to effectively investigate the case as also to recover the amount, therefore, in the circumstances, the petitioner is not entitled to the concession of pre-arrest bail.

7. I have considered the submissions of learned counsel for the parties. As per the allegations, amount referred to above was transferred by the complainants / their relatives to co-accused Deepak Badlani on the asking of the petitioner, besides, cash was paid by the complainants to the petitioner as per details given above. The petitioner is also stated to have sent forged visa papers and air tickets to the complainants on Whatsapp for their journey to Moscow and thereafter, switched of his mobile phone so that they could not contact him.

8. In the light of position noted above, custodial interrogation of the petitioner is necessary not only to ascertain the whereabouts of the co-accused but also to recover the amount from the accused. No ground is made out for grant of pre-arrest bail. Accordingly, the petition for pre-arrest bail is dismissed. Interim order stands vacated.

9. However, nothing stated hereinabove shall be construed to be an expression of opinion on the merits of the case.

(B.S. Walia)
Judge

28.09.2021.

ps-rajesh