

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

(Heard through VC)

CRM-M-1531 of 2021 (O&M)

Date of Decision: 8.4.2021

Akash Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Arvind Kashyap, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

Mr. Sandeep Arora, Advocate,
for the complainant.

JAISHREE THAKUR, J.

By way of instant petition, the petitioner seeks anticipatory bail in FIR No. 278 dated 6.9.2020 registered under Sections 406 and 420 of the Indian Penal Code and Section 13 of the Punjab Travel Professionals Act at Police Station Division No. 6, Jalandhar (PB.).

In brief, the allegations as stated in FIR are that the complainant who wanted to send his son abroad came in contact with the petitioner, who assured him that his son would be sent to Canada and demanded a sum of ₹33 lakh, which were paid by the complainant on different dates. The petitioner instead of sending the son of the complainant to Canada, sent him to Bali. In fact, the petitioner, along with other co-accused, cheated and defrauded the complainant and so much so even a forged and fabricated VISA for Canada was shown. Ultimately on 19.8.2019, the son of the complainant came back to India. It is alleged that

the complainant has been induced by the petitioner and other co-accused to make payment on the pretext of sending his son to Canada and duped, cheated and defrauded him for a sum of ₹35,60,000/-. On his son's return, the complainant contacted the petitioner and asked for return of the money. When the money was not returned, the instant FIR came to be registered against the petitioner and other co-accused.

Learned counsel for the petitioner would contend that the petitioner has been falsely implicated in the instant FIR. In support of his contentions, he places reliance on Annexure P/6, which is a complaint/FIR registered against one Sunil Kumar and Rajan Arora, wherein there are allegations that those two persons had made arrangement to send Rohit Singh (son of the complainant), Manpreet Singh, Neeraj and Naveen Kumar to Bali, where further arrangement for Canadian Visa were to be made. Learned counsel argues that this fact has not been disclosed in the FIR.

Per contra, learned counsel for the respondent—State as well as the complainant vehemently oppose the petition for anticipatory bail. It is contended that the petitioner is one of the main accused, who has committed cheating with the complainant to the tune ₹35,60,000/-on the pretext of sending Rohit Singh son of the complainant to Canada, but did not honour his commitment. It is also argued that such like cases are on the rise and no concession should be given to the petitioner.

I have heard learned counsel for the parties and have also perused the paper book.

As per FIR, the petitioner and other co-accused had promised the complainant to send his son abroad i.e. Canada. For this purpose, the

complainant paid a total sum of ₹35,600,000/- to the accused on different dates, as alleged in the complaint itself. However, when the petitioner failed to send the son of the complainant to Canada, he did not return the money so paid to him and thus, he along with his co-accused cheated the complainant.

Reply has been filed by the respondent—State, wherein it has been averred that the FIR was lodged against the petitioner and co-accused after due inquiry as they have duped the complainant to the tune of ₹35,60,000/- in connivance with each other. Along with the reply, a copy of the compromise/agreement dated 14.10.2019 (Anexure R/2) has been filed, wherein the petitioner has admitted that he owes ₹23 lakhs to the complainant. It was agreed the amount would be paid in installments and the first installment of ₹ 3 lakhs would be paid by the petitioner to the complainant on 29.10.2019 and rest of the amount of ₹ 20 lakhs would be paid by 31st March, 2020 in easy installments. Therefore, in order to unearth the modus operandi adopted by petitioner to cheat the complainant and make him to part with his hard earned money, his custodial interrogation is necessary.

Consequently, this petition is dismissed. However, it is made clear that any observations made herein above have been made only for the purpose of disposal of this petition, which shall have no bearing on the merit of the case.

8.4.2021

(JAISHREE THAKUR)
JUDGE

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Whether speaking/reasoned : Yes
Whether Reportable : No