

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

CRM-M-43922-2020 (O&M)

Date of Decision:- 14.10.2021

Darshan Lal

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Vikas Bali, Advocate for the petitioner.

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

*(proceedings conducted through video conferencing)*

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**GURVINDER SINGH GILL, J.**

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No.129 dated 28.6.2019 under Sections 420, 294, 506/120-B IPC read with Section 13 of the Punjab Prevention of Human Smuggling Act, 2013 at Police Station Jagraon, District Ludhiana.
2. The FIR was lodged pursuant to complaints received from Amarjit Singh, Davinder Singh and Harwinder Singh to the effect that Darshan Lal Malhotra (petitioner) was into business of sending persons abroad. It is alleged that Darshan Lal represented that he could send the complainant, his son and relatives of complainant's son to foreign country for an amount of ₹17 lacs per person and would get work permit for them. The complainants, being taken in by the said representation, gave several amounts on different dates during the period 2017 and 2018, total amounting to ₹62 lacs for

sending Gurmeet Singh son of Amarjit Singh, Davinder Singh son of Baldev Singh, Harwinder Singh son of Major Singh and Harpreet Kaur daughter of Amarjit Singh abroad. However, despite a period of more than one year having been elapsed, none of them was sent abroad. When the complainants demanded their money back, the petitioner refused to return the amount.

3. The learned counsel for the petitioner submits that he is a small time garments vendor and sells garments from a *rehri* and can hardly be said to be a person being in a position to send anybody abroad or in a position to convince anybody that he would be capable to sending someone abroad and that all the allegations have been cooked up falsely against the petitioner. The learned counsel has further submitted that infact the petitioner himself does not even have a passport, which would clearly show that he cannot be said to be a person who would be able to befool or cheat anyone else on the pretext of sending anybody abroad.
4. Opposing the petition, the learned State counsel has submitted that there are specific allegations levelled in the FIR against the petitioner pertaining to defrauding the complainants of a huge amount of ₹62 lacs, out of which a part has also been paid by way of cheques. The learned State counsel has submitted that even if it is presumed that the petitioner is a person who was having a small business, still it cannot be discounted that he would not be in a position to cheat anybody else. The learned State counsel has also informed that although pursuant to directions issued by this Court, an enquiry was made from the petitioner and other members of his family i.e. the petitioner, his wife and two daughters and they all stated that none of them has been issued a passport, but when the said fact cross-checked from

the office of the Regional Passport Office, it was found that the daughters of the petitioner had duly been issued passports.

5. I have considered rival submissions addressed before this Court.
6. Having regard to the nature of allegations wherein specific role of misrepresentation by petitioner regarding sending complainants abroad and as regards receipt of money for the said purpose have been attributed to the petitioner and a part of the amount is also stated to have been given by way of cheques, this Court does not find any special case for grant of anticipatory bail.
7. The petition is sans merit and is hereby dismissed.

**14.10.2021**

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**(Gurvinder Singh Gill)**  
**Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No