IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Criminal Miscellaneous No.M-1307 of 2022
Date of Decision: *February 23rd, 2022*

Prithvi Singh Rajput

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

. . .

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

. . .

PRESENT: - Mr. R.S. Cheema, Senior Advocate, with Mr. Ishan Khetarpal, Advocate, for the petitioner.

Mr. Tanvir Joshi, Assistant Advocate General, Punjab.

Mr. K.P.S. Cheema, Advocate, for respondent No.2 - complainant.

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Sant Parkash, J

Crl. Misc. No.6031 of 2022

Application moved by the complainant for being impleaded as respondent No.2 – Robin Talwar son of Varinder Talwar,, aged 36 years, residentof House No.59, Raja Garden Colony, Mithapur Road, Jalandhar, is allowed.

Amended Memo of Parties is taken on record.

Crl. Misc. No.6032 of 2022

Application for placing on record reply of the complainant is disposed of.

Reply by way of affidavit of Robit Talwar (complainant) is taken on record.

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Crl. Misc. No.6033 of 2022

Application for granting exemption from filing certified/true typed copies of Annexure R-2/1 to R-2/6 and for placing on record true photocopies of the same is allowed as prayed for.

Main Case

This is a petition under Section 439 Cr.P.C. seeking regular bail to the petitioner in case FIR No.136 dated 15.10.2021 under Sections 406, 420, 465, 467, 468, 471, 120-B IPC, registered with Police Station, New Baradari, Jalandhar.

The present case was registered on the basis of a complaint moved by Robin Talwar, respondent No.2, leveling allegations of cheating, Forgery and breach of trust on the part of petitioner and his associates. Complainant alleged that he is running business of immigration and student visa consultancy in the name & style of EVI having its office at Police Lines, Jalandhar. Complainant met Himansh Verma (co-accused) through one Amit, a common friend. During the meeting, Himansh Verma boasted his links with Hungarian Embassy and assured the complainant that he can secure 250 student visa per semester and asked him to pay ₹ 3 lac per visa in advance. Accordingly, complainant approached Amit for financial assistance so that he could pay the advance money to Himansh Verma. Subsequently, an amount of ₹ 2.5 lac per visa was settled between the complainant and Himansh Verma. Thereafter, Amit, on the asking of complainant, presented a draft dated 10.10.2019 of ₹ 80 lac to Himansh Verma as advance of 59 students. Himansh Verma also demanded ₹ 44,000/- per client on account of college offer and embassy fee. In the month of November 2019, Himansh Verma gave offer letters for 50 candidates from a college and assured to get

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the remaining offer letters in January 2020. In January 2020, all the clients of complainant, accompanied by Prithvi Singh (petitioner herein), Saurabh Gaba, Dalip and Shanty went to the embassy after paying ₹ 44,000/- each to Himansh Verma and submitted visa requests. It is alleged that inspite of clear instructions of complainant, Himansh Verma submitted forged documents in the embassy due to which visa applications were rejected. On having approached Himansh Verma, he refused to return the advance money and threatened the clients of complainant.

Learned senior counsel for the petitioner submitted that petitioner has not been attributed any role in the complaint. The financial deal was undertaken between Himansh Verma and complainant. Himansh Verma is the main accused who instigated the complainant and cheated money in lacs of rupees.

Learned counsel further submitted that in another petition for quashing FIR No.150 dated 17.11.2021 under Sections 370, 420, 406 IPC & Section 13 of the Punjab Travel Professionals (Regulations) Act, 2014, Police Station, Navi Baradari, District Police Commissioner ate Jalandhar, viz. Crl. Misc. No.M-6741 of 2022, filed by main accused i.e. Himansh Verma and Chander Kanta, a coordinate Bench of this Court has granted them the concession to the effect that no coercive action be taken against them as also given liberty to file a detailed representation alongwith all the documents to SIT which would be considered before submitting the status report.

Learned senior counsel further submitted that challan in the case has already been presented and charges framed. Petitioner is in custody

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since 21.10.2021. Conclusion of trial is likely to take long time. No useful purpose would be served by keeping the petitioner in custody any further.

Learned counsel for the respondents have submitted that huge amount on the pretext of getting visas of clients of complainant has been grabbed by the petitioner and his associates, by furnishing forged documents due to which visa applications of students were rejected by the embassy. Lateron, not only the accused refused to return the amount but also threatened the complainant and his clients. In case the petitioner is released, there is every possibility that he can abscond from the proceedings.

Learned counsel further submitted that the present petition has been filed by concealing and misrepresenting the true facts. Infact, petitioner and Himansh Verma are cousins and involved in various frauds worth crorres of rupees. Petitioner is the front man of Himansh Verma and one of the Directors in various bogus companies which are involved in cheating people. Moreover, petitioner is also an accused in another FIR No.150 dated 17.11.2021 under Sections 406, 420, 370 IPC and Section 13 of the Punjab Travel Professional (Regulation) Act, 2014. Not only this, there 2/3 more FIRs against Himansh Verma on the allegations of forgery and cheating.

I have heard learned counsel for the parties and perused the record.

Admittedly, the deal took place between complainant and Himansh Verma in this case. Besides, all the cases of cheating/forgery involving said Himansh Verma are being investigating by an SIT constituted pursuant to order dated 18.02.2022 passed by this Court in Crl. Misc. No.M-6741 of 2022.

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In the case in hand, after completion of investigation, challan has already been presented and charges framed against the petitioner who is behind bars since 21.10.2021. Thus, without going into the intricacies of the allegations and without commenting on the merits of the case, keeping in view the fact that Himansh Verma, who received the advance money for getting student visa, has been granted concession by the coordinate Bench in a petition for quashing another FIR, though on similar allegations of cheating & forgery, as also conclusion of trial would certainly take sufficient time, no useful purpose would be served by keeping the petitioner behind bars.

With regard to other cases registered against the present petitioner, the Supreme Court in Prabhakar Tewari vs. State of U.P. & another, *(2020) 11 SCC 648*, has held that pendency of other criminal cases or registration of other FIR(s), would not be a basis for refusal of prayer for bail. With regard to admitted fact that no entrustment was made to the petitioner, record reveals that he had only accompanied the students/victims to the embassy for submitting applications for student visa.

In view of the above discussion, the present petition is allowed and petitioner is ordered to be released on regular bail on furnishing surety/bail bonds to the satisfaction of trial court.

(Sant Parkash)
Judge

February 23rd, 2022
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Whether Speaking/ Reasoned: Yes/ No
Whether Reportable: Yes/ No

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