

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

CRM-M-3986-2020 (O&M)
Date of Decision:- 9.11.2022

Baljit Singh ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Jagdeep Singh Rana, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by ASI Bhadur Lal.

Mr. Pardeep Kumar, Advocate for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.0184, dated 23.10.2019 under Sections 406, 420 IPC and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014 at Police Station Adampur, District Jalandhar Rural.
2. The FIR in question was registered at the instance of Surinder Singh, wherein it has been alleged that one Gurvinder Singh, who was in touch with complainant's son, convinced his son that Baljit Singh (petitioner) is a travel agent and could send him to 'Canada'. Baljit Singh convinced the complainant that he could send complainant's son to 'Canada' for an amount of Rs.14 lacs. It is the case of the complainant that an amount of Rs.11 lacs was given to Baljit Singh and his son was taken to 'Thailand', where he was

kept for 6 months and was never sent to 'Canada' and ultimately returned back to India.

3. The learned counsel for the petitioner has submitted that the matter had been resolved amongst the parties and the petitioner had deposited an amount of Rs.8.5 lacs in the bank account of complainant's son Dharminder Singh and that despite deposit of the said amount, the complainant is pressurizing the petitioner with the help of present FIR to extort more money.
4. Opposing the petition, the learned State counsel assisted by counsel for the complainant has submitted that although an amount of Rs.8.5 lacs had been deposited in the bank account of Dharminder Singh, son of the complainant, but the petitioner had retained the ATM Card of the said account and had been withdrawing amount from the same. It has been submitted that since the petitioner had defrauded the complainant of huge amount, no case for grant of bail is made out.
5. This Court has considered the rival submissions.
6. It is no doubt correct that there are certainly specific allegations against the petitioner in respect of the petitioner having defrauded the complainant of an amount of Rs.11 lacs. However, at the same time this Court also finds that the petitioner had deposited an amount of Rs.8.5 lacs in the bank account of complainant's son Dharminder Singh. The petitioner otherwise has been behind bars since the last about 5 months and 16 days. Conclusion of trial is likely to consume time.
7. The petitioner, in order to prove his *bona fide*, has offered to deposit an amount of Rs.2 lacs before the Trial Court/Illaq Magistrate.

8. Having regard to the facts and circumstances of the case especially that the petitioner has been behind bars since the last more than 5 months and conclusion of trial is likely to consume time, the petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
9. The aforesaid directions shall, however, be subject to the condition that the petitioner, as per his offer, shall deposit an amount of Rs.2 lakhs before the Trial Court/Illaq Magistrate within a period of 1 month from today. Upon deposit of such amount, the Trial Court/Illaq Magistrate shall get the same invested in some FDR with some Nationalized Bank with a specific direction to Manager of the bank concerned not to entertain any request for encashment of the same except under orders of the Court. Upon the petitioner being declared innocent or being acquitted and such acquittal attains finality, the petitioner shall be entitled to proceeds of the said FDR. However, in case the petitioner is found guilty and is convicted and such conviction attains finality, the complainant shall be entitled to proceeds of the FDR in question.

9.11.2022

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No