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

CRM-M-4168-2022

Date of decision : 02.02.2022

Khushwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Achin Gupta, Advocate for the petitioner.

Mr. Karanbir Singh, AAG, Punjab

Mr. L.S. Sidhu, Advocate for the complainant.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.170 dated 08.12.2021 registered under Sections 420/465/468/471 of the Indian Penal Code, 1860 at Police Station Jaitu, District Faridkot.

Learned counsel for the petitioner has submitted that in the present case, the petitioner was working as a Lecturer at Malwa Polytechnic College (Machaki), Faridkot and since the year 2017, he was

running English Coaching Centre at Faridkot, and he had helped one Mandeep Kaur in going to Canada and, thereafter the complainant met the petitioner to guide him for sending his daughter namely Karamjit Kaur to Canada. It is further submitted that the petitioner had only guided the daughter of the petitioner and had no role in sending the daughter of the complainant to Canada and the present FIR has been registered on misguided suspicion, as the passport of the daughter of the complainant had been forfeited in Canada and the complainant had been advised to get the present FIR registered in order to get his daughter's passport back. It is contended that the petitioner has not given any fake letter of admission to the complainant or his daughter.

This Court has heard the learned counsel for the petitioner and has perused the paper book.

FIR in the present case was registered on the basis of complaint given by Balwinder Singh against the present petitioner and one Kulwinder Singh, on the allegations that the present petitioner had come in contact with the complainant and had told the complainant that he sends people abroad and has already sent one girl abroad and that he could also send the daughter of the complainant, who is handicapped, to Canada and for the same, total amount of Rs.11,50,000/- would be required to be paid and an amount of Rs.2,50,000/- was taken by the petitioner from the complainant at the time of issuance of visa and thereafter, the daughter of the complainant had told the complainant that when she uploaded the documents, it was revealed that the offer letter,

which had been given by the petitioner, was found to be forged and upon the same, the Canada Police had forfeited the passport of the daughter of the complainant and thereafter, the complainant wasn't able to reach the present petitioner as he had switched off his mobile phone. It was alleged in the complaint that the petitioner alongwith co-accused had forged the documents and had committed cheating with the complainant and his daughter, and an enquiry in the said matter was conducted and in the enquiry, even the statement of daughter of the complainant namely Karamjit Kaur was recorded through e-mail. As per the said statement, after giving the forged document to the complainant and his daughter, the petitioner had informed the complainant and his family members that they had broken up the ties with Seneca College and the petitioner had further advised them to wait for the next semester and he had even told them that he would find a seat for the daughter of the complainant in a new college but even this did not work out. It was alleged that the petitioner has neither returned the money to the complainant, nor procured admission, in any proper college, for the complainant's daughter and after due enquiry, it was found that the petitioner was involved in forging the said letter and also in cheating the complainant and his daughter.

Keeping in view the abovesaid facts and circumstances, moreso, the fact that there are specific allegations against the petitioner with respect to commission of cheating against the complainant and his daughter namely Karamjit Kaur, of an amount of Rs.2,50,000/-, as also of

preparing the forged documents, the petitioner does not deserve the concession of anticipatory bail and accordingly, the present petition is dismissed.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

02.02.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No