

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

204+102

**CRM-M-3324-2020 (O&M)
Date of Decision: 28.03.2022**

Simranjeet Singh @ Daljit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Naveen Bawa, Advocate, for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

CRM-8362-2022

For the reasons mentioned in the application, the same is allowed and document is taken on record as Annexure P-6, subject to all just exceptions.

CRM-M-3324-2020

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered him vide FIR No.3 dated 01.01.2020 at Police Station Division No.8, District Ludhiana, under Sections 420 IPC.
2. The FIR was lodged at the instance of Balwinder Kaur, wherein it is alleged that her daughter had applied for study visa for studying in Canada through M/s A-ONE Institute and had initially deposited an amount of Rs.20,000/- as processing fee. Thereafter, another amount of Rs.17,000/- was deposited. Later, she was also asked to pay an amount of Rs.1,50,000/- in cash. Another amount of Rs.1,00,000/-

was also paid to the accused. However, despite payment of the aforesaid total amount of Rs.2,87,000/-, the accused did not arrange for the visa for the complainant's daughter and, as such, he had cheated her. On the last date of hearing i.e. on 17.01.2022, the following order was passed:

“Learned counsel for the petitioner requests for a short adjournment so as to place on record copies of the documents indicating that visa on behalf of complainant's daughter, namely, Babalpreet Kaur, had been duly applied for, but was rejected by the Canadian Authorities.

In view of the aforesaid request, the matter is adjourned to 28.03.2022.

Interim directions, if any, to continue.”

3. Pursuant to the aforesaid order, learned counsel has today placed on record a copy of letter received from the High Commission of Canada intimating that the visa application in respect of complainant's daughter, namely, Babalpreet Kaur has been rejected.
4. Learned counsel for the petitioner submits that it was only an amount of Rs.20,000/- which had been taken as professional fee and that no other amount has been deposited by the petitioner and that since the petitioner had done the needful for processing the visa application which somehow was declined, he cannot be held responsible in any manner and cannot be said to have defrauded the complainant.
5. On the other hand, learned State counsel upon instructions from ASI Malkiat Singh, has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation and that he is not involved in any other case.

6. In view of the aforesaid position, wherein the petitioner is stated to have joined investigation and is not stated to be required for any custodial interrogation as he has otherwise shown to have applied for visa on behalf of complainant's daughter, the petition is accepted and the interim directions issued by this Court vide order dated 27.01.2020 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

28.03.2022

VY

(GURVINDER SINGH GILL)

JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No