

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-12855-2021

Date of decision : 19.01.2022

Aseem Vij

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Yogesh Saini, Advocate
for the petitioner.

Mr.Sukhbeer Singh, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.269 dated 04.12.2015 registered under Sections 420 and 120-B IPC at Police Station City Jagraon, District Ludhiana.

The FIR in the present case has been registered on the complaint of one Rajan Sharma who has alleged that the complainant is taking care of financial work of Student Immigration Overseas and that the present petitioner and his wife are travel agents and they visited the office of the complainant and requested the complainant to introduce them to prospective clients and stated that they charged Rs.3.50 lacs for sending the persons to Macau and stated that they would get a red card and on further application, a blue card per person would be made and on the basis of said

inducement, the complainant gave Rs.1,60,000/- to the petitioner and his wife for sending Baljinder Singh and Gurpreet Singh to Macau towards the initial cost of tickets and rest of the amount was to be given after the blue card had been applied for and accordingly, the agreement dated 06.06.2015 had been entered into and thereafter, on 25.06.2015 another set of five boys were to be sent by the petitioner and his wife to Macau and regarding which the complainant had paid a total amount of Rs.10,53,000/- and after taking the entire amount, the petitioner was unable to get jobs for the said persons in spite of having specifically been told by the complainant that the said work was not done and as a result of same, the petitioner and his wife had duped the complainant.

The Additional Sessions Judge-1, Ludhiana while dismissing the anticipatory bail of the application of the petitioner, had observed that the petitioner had remained absconding from the investigation for a period of more than 4 ½ years. On 19.03.2021, a coordinate Bench of this Court was pleased to issue notice of motion and in the said order it was recorded that the petitioner is still ready to settle the dispute with the complainant party. Thereafter, the matter had been adjourned on four occasions and yet, the petitioner has not come up with any final settlement proposal.

Learned counsel for the petitioner has very fairly submitted that in spite of his best efforts, the petitioner has not contacted him.

Learned State counsel has opposed the petition for anticipatory bail and has submitted that the petitioner and his wife had duped the complainant and also did not cooperate with the investigation.

Keeping in view the above said facts and circumstances moreso, the allegations which have been made in the FIR to the effect that

the petitioner and his wife while acting as travel agents had duped the complainant for huge amounts and also not joined the investigation for a period of more than 4 years as per the order dated 12.10.2020 passed by the Additional Sessions Judge-I, Ludhiana and also, the fact that the petitioner has not come up with any final settlement proposal as had been stated by the petitioner in the order dated 19.03.2021, the present petition for anticipatory bail is dismissed.

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 petition.

(VIKAS BAHL)
JUDGE

January 19, 2022

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No