

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-11157-2022 (O&M)
Date of Decision:-29.10.2022

Avtar Singh @ Happy

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sumit Dua, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.175, dated 25.7.2020, Police Station Mehatpur, Jalandhar Rural, under Section 420 of Indian Penal Code.
2. The FIR was lodged at the instance of Jaspal Kaur, wherein it is alleged that since her son Gurdev Singh wanted to go abroad, a deal was struck with an agent Avtar Singh @ Happy (petitioner) for sending her son to 'Hongkong' on Temporary Residency (TR) for an amount of Rs.2.5 lakhs, which was paid to the said agent Avtar Singh @ Happy. When the complainant's son boarded a plane for Hongkong but when he arrived at Hongkong Airport, he was informed that his documents were fake and he was sent back to India. Later, when the complainant demanded the amount back from agent Avtar Singh,

the said Avtar Singh represented that he could send complainant's son on Temporary Residency to 'Armenia'. The complainant being taken in, opted for the same. Though the complainant's son was sent to Armenia but he was kept like a prisoner in a room for about 4-5 months and later somehow he managed to escape and after borrowing money from some acquaintance returned back to India. It is thus alleged that the complainant has been cheated of an amount of Rs.2.5 Lakhs and that no Temporary Residency was ever arranged for complainant's son.

3. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case and that the only services offered by the petitioner were for arranging a tourist visa, which was accordingly arranged and infact the complainant's son did remain in Armenia on an genuine visa for about 4-5 months and later he himself chose to return back to India.
4. Opposing the petition, the learned State counsel has submitted that since the petitioner did not arrange for Temporary Residency for complainant's son despite having taken an amount of Rs.2.5 lakhs, it is apparent that he had defrauded the complainant. Learned State counsel has informed that the petitioner stands involved in 3 other identical cases. It has also been informed that as on date none out of the cited 12 PWs has been examined and the petitioner has been behind bars since the last about 1 year and 10 months.
5. This Court has considered the rival submissions.
6. Without commenting anything as regards merits of the case but while noticing that the petitioner has been behind bars since the last about 1 year

and 10 months and the trial has not even commenced till date, further detention of the petitioner will not serve any useful purpose. The petition, as such 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.

29.10.2022

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No