

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

CRM-M-15923-2022 (O&M)

(1) Rajeev Bhari ...Petitioner

Versus

State of Punjab ...Respondent

(2) **CRM-M-9125-2022 (O&M)**

Sanjay ...Petitioner

Versus

State of Punjab ...Respondent

Date of Decision:- 11.5.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Balram Singh, Advocate for the petitioner
in CRM-M-15923-2022.

Mr. Angad Parmar, Advocate for
Mr. Vivek K. Thakur, Advocate for the petitioner
in CRM-M-9125-2022.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by ASI Tarsem Singh.

Mr. Akash Manocha, Advocate for the complainant.

GURVINDER SINGH GILL, J.

1. This order shall dispose off the above mentioned two petitions filed on behalf of Rajeev Bhari and Sanjay seeking grant of anticipatory bail in a case registered against them vide FIR No. 113 dated 28.12.2021 under Sections 420, 406, 506, 120-B IPC and Section 13 of the Punjab Travel Professionals Act, 2014 at Police Station Bholath, District Kapurthala.

2. The FIR in question was lodged at the instance of Rajwant Kaur wife of Rajinder Pal Singh Ghuman wherein it is alleged that the accused Baldev Raj, Anita, Rajeev Bahri (petitioner), Balwinder Kumar and Sanjay Kumar (petitioner) had duped the complainant's husband Rajinder Pal Singh and complainant's brother-in-law Bhagwan Singh of an amount of ₹ 40,23,000/- on the pretext of sending them to Canada. The complainant alleged that Baldev Raj and his wife Anita were on visiting terms with complainant's relative Satnam Singh and that said Baldev Raj, Anita and Rajeev Bahri were travel agents and they had told complainant's relative Satnam Singh that in case anybody was to be sent to Canada, they could arrange for the same as a relative of Anita is working in Ministry of Home and could provide Canadian VISA. The complainant's husband Rajinder Pal Singh and her brother-in-law Bhagwan Singh, being taken in by the said representation, agreed for the same. Baldev Raj and Anita assured them that travel agents Rajeev Bahri, Sanjay Kumar, Karanvir Singh @ Sheti and Balwinder @ Balwinder Pal were running travel agency jointly and a settlement was made for sending Rajinder Pal Singh and Bhagwan Singh to Canada for an amount of ₹ 50 lacs. It is stated that initially an amount of ₹23,000/- was paid to them on 18.7.2018 towards VISA fee, miscellaneous expenses etc. The complainant's husband and Bhagwan Singh were taken to Delhi where Rajeev Bahri and Balwinder took them outside the office of Ministry of Home, Delhi and were introduced to one Balwinder as a higher officer in the Ministry of Home. The complainant's husband and brother-in-law sold their inherited land measuring about 19 kanals to Darshan Singh so as to raise amount and paid an amount of ₹ 30 lacs to Baldev Raj and his

wife Anita. The accused told them to arrange for the remaining balance amount. On 3.11.2018, Baldev Raj and Rajeev Bahri sent air tickets to her husband and brother-in-law on phone of their relative Satnam Singh and asked them to arrange for remaining amount. Accordingly, on 4.11.2018 when Baldev Raj, Rajeev Bahri and Balwinder came to the shop of the complainant's relative Satnam Singh, an amount of ₹11 lacs was handed over to Baldev Raj, Rajeev Bahri and Balwinder and after receiving the said amount they were told that Rajinder Pal Singh and Bhagwan Singh would be going to Canada on 10.11.2018 and that the balance amount of ₹ 8,77,000/- be paid before that. However, the complainant's husband and brother-in-law were not sent to Canada. Later, when they demanded back their amount of ₹ 41,23,000/- from the said travel agents, they did not return the same. Later, Rajeev Bahri in the presence of respectables returned an amount of ₹ 1 lacs by way of a writing a Panchayatnama and they promised to return the balance amount by 30.11.2018. However, no such amount was repaid. It is alleged that complainant's husband Rajinder Pal Singh, being mentally upset on account of having been defrauded of huge amount expired on 31.12.2020.

3. The learned counsel for the petitioners have submitted that the petitioners have falsely been implicated in the present case and that the falsity of the case would be evident from the fact that before lodging of the FIR, Bhagwan Singh i.e. brother-in-law of the present complainant has submitted an identical complaint to SSP, Jalandhar wherein neither the name of the petitioner Rajeev Bahri was specifically mentioned nor the name of the petitioner Sanjay was mentioned and that subsequently, a complaint was

made to SSP, Kapurthala on the basis of which the present FIR came to be lodged.

4. The learned counsel has further submitted that there is no evidence regarding alleged payment of an amount of ₹ 41,23,000/- and in the absence of the same, the allegations cannot be held to be substantiated in any manner.
5. On the other hand, the learned State counsel has submitted that since the petitioner was specifically named in the FIR and there are specific allegations levelled against them, no special case for grant of anticipatory bail is made out. It has further been submitted that infact both the victims i.e. Rajinder Pal Singh as well as his brother-in-law Bhagwan Singh died under depression, having been defrauded of huge amount by the accused.
6. I have considered rival submissions addressed before this Court.
7. It does appear that before lodging of the present FIR at Kapurthala, a complaint had been submitted by complainant's brother-in-law before the SSP Rural, Jalandhar. It is also correct that the names of the petitioners are not mentioned therein but there is a specific mention that apart from the accused Baldev Raj and Anita, they were accompanied by other associates. The relevant extract from the said complaint (Annexure P-2) reads as follows :-

“.....Than the above two accused and their companions took us both the brother to Delhi on 09.11.2018 by saying that our flight is on 10.11.2018 but on reaching Delhi we came to know that there is no flight and the visa copy which are sent on the whatsapp are forged.”

8. As far as the contention of the petitioners that there is no evidence regarding demand of an amount of ₹41,23,000/- is concerned, the complainant has specifically stated that her husband and her brother-in-law had to sell their 19 kanals of ancestral land to one Darshan Singh so as to raise the amount. Both the defrauded persons namely Rajinder Pal Singh and Bhagwan Singh ultimately died pursuant to the fraud having been committed. No lenient view can be taken in such like cases where unscrupulous elements cheat innocent gullible persons while selling them dreams of greener pastures abroad.
9. Having regard to the facts and circumstances and the enormity of fraud, this Court does not find any special case for grant of anticipatory bail to either of the petitioners.
10. Both the petitions are sans merit and are hereby dismissed.
11. A photocopy of this order be placed on the file of connected case(s).

11.5.2022

kamal

(Gurvinder Singh Gill)
JudgeWhether speaking /reasoned
Whether ReportableYes / No
Yes / No