

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

CRM-M-18443-2021 (O&M)
Date of Decision:- 19.5.2022

Rajesh Verma @ Rishi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. G.S. Ghuman, Advocate and
Mr. G.P.S. Ghuman, Advocate and
Mr. P.S. Mann, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab
assisted by HC Mohan Singh.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of regular bail in a case registered vide FIR No. 29 dated 28.1.2019 under Sections 420/120-B IPC and under Section 24 of the Immigration Act, 1983 at Police Station Division No. 8, District Ludhiana.
2. The FIR was lodged at the instance of Karamjit Kaur wherein it is alleged that the accused namely Robin Verma, Raman Verma, Ramesh Verma, Ajay Arora and Rajesh Verma who were all partners in M/s Canplus Carrier Consultant, Ludhiana had represented to the complainant that they could send her son Sandeep Singh to Canada and would also arrange for a work permit in return of an amount of ₹10 lacs. Being taken in by the said representation, the complainant initially handed over an amount of ₹ 1 lac to

the accused. Later another amount of ₹ 4 lacs was paid in the office of the accused. The complainant was told by the accused to make arrangement for another ₹ 2 lacs. Subsequently, the said accused made a telephone call to the complainant that VISA had been issued in favour of her son and told her to keep the balance amount ready. It is alleged that an amount of ₹ 10,000/- was credited in the account of Rajesh Verma on 30.5.2017 in Punjab and Sind Bank, Model Town Branch, Ludhiana. However, when the complainant visited the office of the accused to collect the VISA, they were not found there. It is, thus, alleged that the complainant had been cheated of a huge amount by the accused on the pretext of sending her son abroad.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that there is no evidence worth credence that the petitioner had ever benefited from the alleged amount of ₹ 5,10,000/- stated to have been passed on by the complainant to the accused.
4. The learned counsel for the petitioner, while referring to the proceedings conducted by the police as have been recorded in the FIR, has drawn the attention of this Court to an extract of the same, which reads as follows :-

“Ajay Arora has committed fraud, forgery and deception for sending Sandeep Singh son of the applicant abroad by taking Rs. 5,12,000/-.”

5. On the other hand, the learned State counsel has submitted that the petitioner was also a Director of M/s Canplus Carrier Consultant and that there are specific and unambiguous allegations levelled against him and as such, his complicity is clearly evident. It has further been submitted that the

petitioner is a habitual offender having been involved in about 10 other cases many of which are identical in nature as the present case and that the same shows that the petitioner has been indulging in cheating innocent people on the pretext of sending them abroad. It has been informed that petitioner has been behind bars since more than 1 year and 2 months.

6. I have considered rival submissions addressed before this Court.
7. There are specific and crisp allegations against the petitioner to the effect that he alongwith other co-accused, who are all partners of M/s Canplus Carrier Consultant had defrauded the complainant of an amount of ₹5,10,000/- on the pretext of sending complainant's son Sandeep Singh to Canada but he was never sent abroad.
8. Though, the learned counsel has referred to an extract from the proceedings as recorded by the police in the FIR wherein it is recorded that Ajay Arora has been found to have committed the fraud in question but upon a perusal of the entire proceedings, it is borne out that upon investigation of the matter by the Anti-Human Trafficking Unit, all the accused were found to have committed the offences in question. The relevant extract from the said proceedings appended with the FIR (Annexure P-1) reads as follows :-

“.....the investigation of which was got done by AHT Unit Ludhiana through S.B. Bikkar Singh AHT Unit Ludhiana and sent to Hon'ble Assistant Commissioner, Police, Local AHT Unit Ludhiana who has written in his report that 'aforesaid agents have neither sent Sandeep Singh son of Karamjit Kaur to Canada nor have returned their money, in this way the Directors of aforesaid firm Ajay Arora,

Robin Verma, Raman Kumar, Ramesh Verma, Rajesh Verma
and Ramesh Verma.....”

9. A complete perusal of the police proceedings indicates that the aforesaid selective reference to Ajay Arora, as has been pointed by learned counsel for the petitioner, has been made while discussing specifically his role and that in the subsequent part of the police proceedings, it is recorded as under :-

“Therefore it is requested that after the registration of case against Ajay Arora, resident of Kartar Vihar Ludhiana, village Dad the Director of opposite party and his companions Robin Verma, Raman Verma, Ramesh Verma and Rajesh Verma and during investigation Megha Maini the owner of this house may be joined for making thorough inquiry, Ajay Arora and his companions may kindly be traced.”

10. The aforesaid investigation clearly points out the complicity of the accused. The manner and extent to which unscrupulous elements defraud gullible people by exploiting their desire to go abroad in search of greener pastures, does not warrant a lenient view in the matter.
11. Additionally, the fact that the petitioner has 10 other cases registered against him including several cases of identical nature, goes to show that the petitioner is a habitual offender and has been repeatedly defrauding people. In these circumstances, there is no guarantee that petitioner, in case released on bail, will not indulge in similar offences again.
12. The petition is found to be sans merit and is hereby dismissed. ‘
13. The trial Court is, however, directed to take necessary steps for concluding the trial expeditiously. In case, no substantial progress in trial is made

during next six months, it shall be open to the petitioner to approach this Court again.

19.5.2022

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No