

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-26306-2022 (O & M)

Date of decision: 21.09.2022

Sukhwant Singh @ Sukha

..... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Bikramjit Singh Randhawa, Advocate,
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Ms. Satinder Kaur, Advocate,
for the complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 438 Cr.P.C. is for the grant of anticipatory bail to the petitioner in case FIR No.0065 dated 21.04.2022 under Sections 420, 120-B, 506 IPC registered at Police Station City Moga, District Moga.

2. The present FIR came to be registered at the instance of Mandeep Kaur, who stated that in March, 2019, through one Deepinder Singh, she met Sukhwant Singh @ Sukha (the present petitioner). The petitioner informed the complainant-Mandeep Kaur that he could procure a work permit for her daughter-Kuljit Kaur for an amount of Rs.32,00,000/- and he would provide the necessary visa. Various documents including educational certificate, PAN Card, Adhaar Card, passport, etc. were provided to the petitioner. He asked them (complainant and her daughter-kuljit Kaur)

to pay a sum of Rs.3,00,000/- and the rest of the amount would be paid to him after the Visa has been granted and on reaching Candada. In June, 2019, she (complainant) sold her house for a sum of Rs.55,00,000/- the market value of which was 80-85,00,000/- and on receiving the earnest money, she paid a sum of Rs.3,00,000/- to the petitioner, through a cheque. Pursuant thereto, the biometric test of her daughter (Kuljit Kaur) was done at Jalandhar, on 13.11.2019. On 17.01.2020, the petitioner informed the complainant that the Visa had been obtained for her daughter and they should bring the rest of the amount of Rs.29,00,000/- and collect the passport. Thereafter on 31.01.2020, she alongwith Lovedeep Singh went to the petitioner's house and paid a sum of Rs.16,00,000/- which he handed over to his mother-Balvir Kaur. On being asked for the passport, he stated that the same would be given to her after the complete payment was made. Pursuant thereto, a sum of Rs.2,00,000/- was paid in March, 2020. In June, 2020, another sum of Rs.2,00,000/- was paid to the petitioner. But on one pretext or the other, he kept on delaying the matter about sending her daughter to Canada. In August, a sum of Rs.5,00,000/- was paid to the petitioner, which he handed over to his wife, who informed them that on account of the lockdown, things were being delaying and in fact, her husband had helped many people to obtain Visas and she (complainant) being a widow and has been charged a less amount. The petitioner, however, again did not provide the Visa stating that the same was lying in the cupboard of his mother, who had gone to her relative's house. Pursuant thereto, she (complainant) paid another sum of Rs.2,00,000/-for a ticket and on 21.08.2020, Rs.50,000/- by way of cheque to the petitioner. By then, a sum of Rs.28,50,000/-, had been paid to the petitiiner but the passport not

was given to her (complainant). Thereafter in the month of September, 2020, a sum of Rs.3,50,000/- was paid to the petitioner's wife. On 03.10.2020, the petitioner came to their (complainant's) house and stated that on account of the lockdown, persons could not travel to Candada. On 12.10.2020, he returned a sum of Rs.50,000/-, on 13.10.2020, a sum of Rs.40,000/-, on 14.10.2020, a sum of Rs.10,000/-, on 20.10.2020 a sum of Rs.50,000/- on 30.10.2022 a sum of Rs.20,000/- thereby refunding a total sum of Rs.1,70,000/-. On 23.10.2020, he gave the passport to them (complainant) and stated that it was our responsibility if her (complainant's) daughter got stuck in Canada. On suspicion, when the Visa was got checked from Golden Travels, it was found that it was forged. On the next day, he gave a cheque for a sum of Rs.20,00,000/- and promised to return the rest of the money too. A blank cheque was given on which she (complainant) was told to fill up a date. Thereafter, sum more money was returned pursuant to which the petitioner started misbehaving with her and threatened her (complainant) and subsequently switched off his phone. All the original documents had been retained by the petitioner and his co-accused. Based on the aforementioned facts, the present FIR came to be registered.

3. When the matter came up for hearing on 19.07.2022, the petitioner sought the concession of anticipatory bail stating therein that the case was based on documentary evidence and the custodial interrogation of the petitioner was not required. It was contended that no proper enquiry had been conducted prior to the registration of the FIR and a reading of the FIR would itself show that no offence is made out. As the Court was not inclined to grant the concession of anticipatory bail, the learned counsel for

possibilities of a compromise. In view of the said statement, the arrest of the petitioner was stayed. Thereafter, the matter was sent to the Mediation and Conciliation Centre of this Court. However, the mediation was unsuccessful and the parties could not reach an amicable settlement. The matter has been taken up for consideration once again.

4. The learned counsel for the petitioner has raised, similar arguments which he raised on the first date of hearing.

5. The learned counsel for the respondent-complainant, on the other hand, contends that even during the course of Mediation, the petitioner has refused to return the money or the documents. She, further contends that the complainant is a widow and had sold her house valued at Rs.80-85,00,000/- for a sum of Rs.55,00,000/- in order to pay the petitioner to send her daughter-Kuljiit Kaur abroad. Therefore, quite clearly, the offence as alleged is made out and the petitioner does not deserve the concession of anticipatory bail.

6. The learned counsel for the State has also vehemently opposed the anticipatory bail petition stating that the petitioner does not deserve the concession of anticipatory bail looking at the serious nature of the allegations against him. He further contends that another FIR stands registered against the petitioner bearing FIR No.39 dated 30.03.2021 registered under Sections 306 IPC and Sections 420, 465, 468, 471 and 120-B IPC (added later on) at Police Station City Moga, District Moga, containing similar allegations where the aggrieved person committed suicide when the petitioner did not return his money. Though, he concedes that in the said case, the petitioner has been granted the concession of regular bail.

8. The allegations against the petitioner are grave. He has cheated a widow of a huge sum of money on the pretext of sending her daughter abroad and provided a fake visa. He has not only refused to refund the money but has also not given back the documents taken from the complainant in order to procure a Visa for her daughter. Therefore, the custodial interrogation of the petitioner is certainly necessary to effect necessary recoveries and to take the investigation to its logical conclusion.

9. In view of the above, I find no merit in the present petition and the same is hereby dismissed.

September 21, 2022
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No