

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-34459-2021 (O & M)****Date of decision:07.09.2022**

Navdeep Singh

.... Petitioner

V/s

State of Haryana and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vaibhav Narang, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Ms. Poonam Singh Thakur, Advocate, for respondent No.2.

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.0027 dated 09.02.2021 under Sections 420, 468, 471-B IPC and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014 at Police Station Cantonment, District Police Commissionerate, Amritsar.

2. The brief facts of the present case/FIR No.27, dated 09.02.2021 under Section 420, 467, 471 IPC and Section 13 of the Punjab Travel Professionals (Regulation) Act, Police Station Cantonment, Amritsar City are that registration of the present FIR is a consequence of a detailed enquiry conducted by the Assistant Commissioner of Police, Airport, Amritsar into the complaint No.1769650 dated 13.03.2020 given by the complainant

Malkeet Singh Gill. During the course of enquiry both the parties were

joined, their respective statements were recorded and the documents produced by both the parties were perused by the Enquiry Officer minutely. On the basis of the detailed enquiry conducted, it was revealed that the complainant Malkeet Singh was an aspirant to go abroad. The petitioner Navdeep Singh was running an agency in the name of BIC OVERSEAS at 33-A Rani Ka Bagh, Amritsar. The complainant came in contact with the petitioner and their deal was set for 23000/- US Dollar for sending the complainant to Canada via Kenya. The petitioner had executed one affidavit on 12.12.2019 in this respect before Notary Public, Amritsar wherein it was mentioned that he would send the complainant Malkit Singh having PassportNo.L2966234 to Kenya on a tourist visa and would get sanctioned further multiple entry visas of Canada from Candian Embassy, for which the deal was set at \$23000/-. Therefore, the complainant Malkit Singh on asking of the petitioner had deposited \$4000/- (Rs. 2,83,640/0) in account no.366701500786, ICICI Bank of the petitioner. The complainant boarded the flight from Amritsar to Kenya on 09.01.2020. Thereafter on the asking of the petitioner, the complainant was taken by two Pakistani Nationals namely Parvej Khalid alias Baba and Safdar Ali and the complainant stayed in one guest house. After some days, the petitioner Navdeep Singh received the remaining amount of Rs.\$19000/- (Rs.13,06,000/-) alongwith his associate Udhay from the family members of the complainant near Celebration Mall in lieu of the Canadian Visa of the complainant. Thereafter, when the family members of the complainant checked complainant Malkeet Singh's visas of Kenya and Canada, the same were found to be fake. Thereafter the family members of the complainant approached the petitioner, but he did not entertain them. The complainant

Malkeet Singh came back to India with great hardships and he incurred expenses of Rs.4,41,796/- during his visit to Kenya. It was also revealed on the basis of the information obtained from office of the Deputy Commissioner, Amritsar vide his office letter No.MA-1(6)259, dated 3.9.2020 that no licence has been issued to the petitioner for the agency namely BIC OVERSEAS being run by him. As such, it was concluded by the Enquiry Officer that the present petitioner was running an illegal travel agency by the name of BIC OVERSEAS and he has committed cheating of Rs.20,81,436/- with the complainant on the pretext of getting him multiple entry visas of Canada. Therefore, on the basis of the recommendation made vide his detailed enquiry report dated 01.12.2021 submitted by the Assistant Commissioner of Police, Airport, Amritsar, which was approved by the Commissioner of Police, Amritsar, the present case/FIR No.27/2021 (supra) was registered against the petitioner.

3. The learned counsel for the petitioner contends that the petitioner had received a sum of Rs.2,83,000/- only from the complainant through bank transactions. This amount was used by the petitioner to purchase a ticket for the complainant to travel to Kenya and to arrange his stay there. He contends that, in fact, the complainant might have come into contact with some person in Kenya with a view to make an attempt to travel to Canada. There was absolutely no evidence to suggest that Rs.17,00,000/- had been paid to the petitioner without any receipt thereof. He, thus, prays for the grant of anticipatory bail to the petitioner saying no case for custodial interrogation is made out.

4. The learned counsel for the State has referred to two status reports dated 24.09.2021 and 31.08.2022 respectively to contend that, in

fact, the petitioner had prepared an affidavit (Annexure R-1/T annexed to the status report dated 24.09.2021) wherein he had promised the complainant to send him abroad i.e. firstly to Kenya and thereafter to Canada. During the course of investigation, information was sought from the Canadian Consulate, as per which the Visa affixed on the passport of the complainant is a forgery. The response of the Candian Consulate, Annexure R-1 is annexed to the status report dated 31.08.2022. With respect to the genuineness of the work permit allegedly issued by the Kenyan Government, the report is still awaited. He contends that in view of the categoric response of the Canadian Government as also the evidence on record, it is apparent that the petitioner had received an amount of more than Rs.20,00,000/- in order to send the petitioner to Canada via Kenya. However, he was not able to do so and on the contrary got affixed a forged Candian Visa on his passport. The allegations, therefore, did not entitle the petitioner to the grant of concession of anticipatory bail as the investigation was to be taken to its logical conclusion and the same was only possible after the petitioner was subjected to custodial interrogation.

5. I have heard the learned counsel for the parties at length.

6. The allegations against the petitioner are grave. He has cheated the complainant of a huge amount of money with an assurance that he (complainant) will be settled in Canada. The response of the Canadian Consulate is categoric to the effect that the Visa affixed on the passport is a fake one. Therefore, by no stretch of imagination can it be stated at this stage that the allegations against the petitioner are baseless. In fact, in the present case, the custodial interrogation of the petitioner is certainly required

on account of the seriousness of the allegations as also the fact that the investigation is to be taken to its logical conclusion.

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

(JASJIT SINGH BEDI)
JUDGE

September 07, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No