

CRM-M-36190-2021

Date of Decision: 08.02.2022

Bhupinder Singh	Petitioner
Vs.	
State of Punjab	Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Paramvir Singh Rai, Advocate,
for the petitioner.

Mr. M.S.Nagra, DAG, Haryana.

AMOL RATTAN SINGH, J. (Oral)

Case heard *via* video conference.

Upon notice of motion having been issued in this petition on 03.09.2021, with no interim order operating in favour of the petitioner at that stage, thereafter on 20.09.2021, the following order was passed after an affidavit of the DSP, Sub Division Hargobindpur had been filed, dated 16.09.2021:-

“Having gone through the affidavit filed by the DSP, it is seen that essentially it is the contents of the FIR as have been reiterated therein.

Thus, obviously, no investigation has been conducted whatsoever (at least from a reading of the affidavit), with the immigration authority at the Indira Gandhi International Airport, New Delhi, where the complainants' friends' son was allegedly told that his visa and his tickets were fake; with it also not clarified in the affidavit as to whether the visa was indeed found to be fake, from any inquiry from the immigration office.

I would find it very difficult to believe at least at this stage, that a person would have been caught by the immigration authorities with a fake visa and there was not even a complaint registered against that person by the said authorities, at the police post/police station existent at the airport itself.

Consequently, without making any comment on the actual merits of the case, upon the petitioner joining investigation within one week, in case he is sought to be arrested, he would be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

He shall also comply with the conditions stipulated in Section 438(2) of the Cr.P.C

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this court

Adjourned to 25.11.2021.

The Senior Superintendent of Police, Police District Batala, is directed to now go into the matter himself and file a detailed reply to the petition; and if he finds that there was improper investigation in the FIR, he shall also state in the affidavit as to what action has been taken against the investigating officer.

Obviously, the complainant would also produce before the SSP all material that he has in support of his contentions.”

Subsequently, an affidavit dated 26.11.2021 was also filed by the SSP, Police District, Batala, with this court then having directed him to file a fresh status report stating therein the subsequent stage of investigation and the result of the departmental inquiry initiated against the investigating officer.

Today, an affidavit dated 04.02.2022 is seen to have been filed by the SSP, Police District, Batala, which is ordered to be taken on record.

Learned State counsel points out therefrom that in fact upon the complainant and the other alleged victims themselves having resiled from their statements and having eventually stated that out of Rs.26 lakhs that they had paid to one Jaswinder Singh and Kashmir Singh of Delhi, and not to the petitioner, Rs.21 lakhs had been returned to them, with the promise of returning Rs.3 lakhs more on 01.06.2022.

Consequently, it has been stated in the affidavit that in fact the SIT constituted has recommended that a cancellation report be filed in the matter, with the SSP also having agreed with that opinion.

As regards the departmental inquiry against Sub Inspector Ranjit Singh (local rank), he has been issued a show cause notice and given time to reply thereto.

In view of the above, without making any comment on the actual merits of the case, the petition is allowed in view of the cancellation report proposed to be filed, with the SSP also having agreed with the reports and the interim order passed on 20.09.2021, admitting the petitioner to interim bail, made absolute on the same terms and conditions.

Naturally, if the complainant is aggrieved in any manner, of lack of proper investigation, he would be always at liberty to avail of his remedy as per law.

In that context it is also to be noticed that despite it having been directed that the notice of motion be issued to the complainant-respondent no.2, even process fee was not filed by counsel for the petitioner, as per the report of the Registry.

Yet, in view of the affidavit of the SSP, this order is being passed.

February 08, 2022

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES
Whether Reportable : NO