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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-47813-2021
Date of Decision:26.05.2022

Suresh Kumar

....Petitioner(s)

Versus

State of U.T. Chandigarh

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. S.P.S. Sidhu, Advocate, for the petitioner.

Mr. Vikranjeet Singh Mahal, APP, U.T, Chandigarh.

Mr. Naveen Singh Panwar, DAG, Haryana

Mr. Davinder Bir Singh, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

An affidavit of Director General of Police, U.T, Chandigarh has been filed in the Court today by the learned counsel for U.T, Chandigarh and the same is taken on record.

Learned Deputy Advocate General, Punjab has also supplied a copy of the circular No.9 of 2022. The aforesaid affidavit and circular pertains to the query which was raised by the Court to all the three States with regard to as to who is the officer competent to file reply/affidavit in the High Court.

The present is a second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in

FIR No.15 dated 20.01.2021, under Sections 420, 467, 468, 471, 474 and 120-B IPC, registered at Police Station South, Sector 34, Chandigarh.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 05.02.2021 and investigation of the case has been completed and now the matter is fixed for prosecution evidence. He further submitted that the petitioner was not named in the FIR and it was only on the basis of disclosure statement made by the co-accused who was named in the FIR i.e. Rashmi Negi that the name of the petitioner was nominated and since it was only on the basis of disclosure statement which is not admissible in evidence, the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. Vikranjeet Singh Mahal, learned Additional Public Prosecutor, Union Territory, Chandigarh has stated that a detailed affidavit has been filed by the Deputy Superintendent of Police, Economic Offence Wing, U.T, Chandigarh and while referring to the affidavit, he submitted that in the present FIR there are four different complainants who are students and they had given about Rs. 60,00,000/- to the co-accused Rashmi Negi for sending them abroad and on the basis of the aforesaid various Visas were also handed over to the complainants. However, during investigation it was found that all the Visas are fake and it was found that these Visas were provided by the petitioner to the aforesaid co-accused Rashmi Negi. He further submitted that apart from the present FIR, the petitioner is also involved in 5 more FIRs of similar nature wherein students were promised to be sent abroad to different countries including Venezuela, America through Australia, Italy and Canada. One of the FIR's has been attached with the present petition as Annexure P-2. The details of

these FIRs are mentioned in para No.7 and 9 of the affidavit. He further submitted that the modus operandi operated by the petitioner was that he in connivance with the co-accused Rashmi Negi used to take money from the students on the pretext of sending them abroad and used to supply them fake Visas and the allegations in the aforesaid FIRs are of similar nature. He further submitted that the trial is at the stage of prosecution evidence and only two witnesses have been examined in chief. He further submitted that there is strong apprehension that in case the petitioner is released on bail, then may abscond from justice and may even influence the witnesses and has prayed for the dismissal of the present bail application particularly on the ground of seriousness and gravity of the offence.

I have heard the learned counsel for the parties.

Although the petitioner is in custody from 05.02.2021 but considering the antecedents of the petitioner wherein he is involved in 5 more cases pertaining to similar allegation of sending students abroad by giving them fake Visas and considering the gravity of the offence, this Court does not deem it fit and proper to grant bail to the petitioner.

Consequently, finding no merit in the present petition, the same is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

26.05.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No