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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-52151-2021
Date of Decision: 25.01.2022

Gurmeet Singh

....Petitioner(s)

Versus

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Imran Farooqi, Advocate, for the petitioner(s).

Mr. Amandeep Gill, Senior Deputy Advocate General, Punjab,

Through Video Conferencing

JASGURPREET SINGH PURI, J.(Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.77 dated 19.04.2021, under Sections 406/420 of Indian Penal Code, 1860 and Section 13 of Punjab Travel Professionals Act, 2014, registered at Police Station City Nakodar, District Jalandhar Rural.

As per the contents of the FIR which was lodged on the basis of complaint made by two persons namely, Dalvir Singh son of Mukhtair Singh and Harpreet Kumar son of Gurnam Singh against the petitioner and one other co-accused namely Ms. Aman by stating that the accused persons have committed an offence of cheating by settling an amount of Rs.15,00,000/- with the complainants for sending them to Canada for work permit for two years and they have handed over an amount of Rs. 1,00,000/-

in cash and Rs. 1,00,000/- was deposited in State Bank of India, Branch Bhiwani and they have been cheated by the accused persons that they will be sent to Canada,

The learned counsel for the petitioner has submitted that so far as the present petitioner is concerned, he was only Mediator and he is not having any immigration office or licence to deal with sending persons to Canada. He further submitted that out of the total amount received by the accused persons including the petitioner an amount of Rs. 40,000/- has already been returned to the complainant. He has therefore prayed for the grant of anticipatory bail to the petitioner.

Mr. Amandeep Gill, learned Senior Deputy Advocate General, Punjab has submitted on instructions that the petitioner alongwith the other co-accused does not have any kind of licence or authorization for sending people to abroad and they have cheated the complainants and taken away an amount of Rs. 2,00,000/- from them. He further submitted that although a part payment was paid back by the petitioner to the complainant but it is a case where on the face of it the offence of cheating was made because the petitioner himself has admitted that he acted as a Mediator as he has returned some partial amount and, therefore, it is necessary to ascertain the truthful position how many other cases he has dealt with in a same manner for other persons as well and for that purpose, the custodial interrogation of the petitioner is required. He further submitted that such kind of incidents are occurring at a very large pace and, therefore, the custodial interrogation of the petitioner is required.

I have heard the learned counsel for the parties.

A query being put to the learned counsel for the petitioner as to

whether the petitioner was involved in any other similar case or not, he submitted that although he does not have the details of the other FIRs lodged against him but he is also involved in one more FIR of similar nature. It is a case where the petitioner himself has taken up a stand that he acted as a Mediator and taken money for sending people abroad and he himself has stated that he does not have any licence or authorisation nor the other co-accused has the same for sending people abroad and he is also involved in another similar kind of FIR, the petitioner would not be entitled for the grant of concession of anticipatory bail. The submission made by the learned State counsel that such kind of incidents are on the rise wherein innocent people are being duped by the persons for sending them abroad without having any authorisation for the same and, therefore, in order to curb the menace, the sequence of chain has to be detected thus carry some weight.

In view of the aforesaid position, no ground is made out for the grant of anticipatory bail and consequently, 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.

25.01.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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