

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-57080-2022 (O & M)

Date of decision: 13.12.2022

Balwinder Singh Cheema

... Petitioner

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ruhani Chadha, Advocate,
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

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 petition in case FIR No.51 dated 04.05.2022 under Sections 420, 120-B IPC and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014.

2. The brief facts of the case are that a complaint was filed by Parminder Kumar stating therein that he was having a shop at Mukerian and desired to go to Europe. In the year, 2018 he was told by one of his customers about a travel agent and was also given a mobile No.98777-24916. He had a word with Balwinder Singh Cheema (petitioner) who asked him (complainant) to meet him (petitioner). In the first week of May, 2018, Balwinder Singh came to his shop in the presence of his brother-Suresh Kumar and one Amandeep Singh. The petitioner told him that he (petitioner) and one Dawinder Singh had sent a number of people to Portugal. After obtaining their permanent residency, the people went to

England/Germany where they could earn a lot of money. He offered to send him (complainant) to Armenia after making arrangements for his Visa. A sum of Rs. 8,50,000/- was sought from him (complainant) for sending him to Portugal. At the first instance, he (complainant) was to handover a sum of Rs.3,00,000/- in cash with a passport and other documents. Based on the assurances of the petitioner, he handed over Rs.3,00,000/- alongwith his passport and other documents to the petitioner. After a few days, he received a phone-call from the petitioner that his Visa for Armenia was approved and he was to carry \$3000 alongwith him. He also asked him (complainant) about the remaining payment and he (complainant) transferred a sum of Rs.2,31,687/- into the bank account of the petitioner and a sum of Rs.3,18,000/- were handed over to his (complainant's) relative. On reaching Armenia, Dawinder Singh, co-accused of the petitioner, took him (complainant) to his hostel and took away his passport and \$3000 and assured him that he would get him (complainant) settled in Portugal. He (Dawinder Singh) also made him (complainant) to do labour work. He tried to contact the petitioner, who refused to take his calls. On his repeated asking Dawinder Singh handed back him his passport but refused to give back \$3000. Dawinder Singh also threatened the complainant with death. Ultimately, on account of physical harassment, he came back to India as his family sent him a sum of Rs.50,000/- to purchase an air ticket. On returning to India, he demanded his money back from the petitioner who stated that he would have a word with his co-accused Dawinder Singh but money was not returned to him (complainant). Thus, both the accused including the petitioner had cheated him on the pretext of sending him abroad and had

Based on the aforesaid allegation, the present FIR came to be registered.

3. The learned counsel for the petitioner contends that the petitioner had only assured the complainant to take him to Armenia. The rest of the arrangements were to be made by Dawinder Singh, co-accused of the petitioner. In fact, one Suresh Kumar had introduced the complainant to Dawinder Singh, resident of Armenia. The petitioner had no connection or relation with either Suresh Kumar or Dawinder Singh. The petitioner had only received a sum of Rs.2,31,687/- from the complainant as his fee for sending him to Armenia and the liability of the petitioner was only to the extent of this amount. The complainant, however, had never mentioned the name of Suresh Kumar in the complaint made to the Senior Superintendent of Police, Hoshiarpur. He, thus, contends that the petitioner deserves the concession of anticipatory bail.

4. The learned counsel for the State, on the other hand, contends that the petitioner alongwith his co-accused misled the complainant on the pretext of sending him to Portugal and received a sum of Rs.8,50,000/- and \$3000. The seriousness of the allegations do not entitle the petitioner to the grant of anticipatory bail. Even otherwise, a co-accused Dawinder Singh was absconding being a resident of Armenia.

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

6. The allegations against the petitioner are grave. He alongwith his co-accused Dawinder Singh has misled the complainant, got him to part with a huge amount of money and has failed to send him to Portugal. Dawinder Singh is still absconding. The seriousness of the allegations do

the investigation has to be taken to its logical conclusion. Therefore, the custodial interrogation of the petitioner is certainly necessary.

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

December 13, 2022
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No