

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-3889-2023

Date of Decision:20.07.2023

Surjit Singh and another

. . . . Petitioners

Vs.

State of Punjab

. . . . Respondents

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. V.K. Jindal, Sr. Advocate, with
Mr. Aditya Jain and Mr. Vijay Veer Singh, Advocates,
for the petitioners.

Mr.R.S. Khaira, DAG, Punjab.

DEEPAK GUPTA, J.

Prayer in this petition is to grant anticipatory bail in case FIR No.2 dated 01.01.2023 registered at Police Station Shahkot, District Jalandhar Rural, under Sections 420 and 406 read with Section 34 IPC and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014.

2. Complaint was made by Jaswinder Kaur against the petitioners alleging that they promised to send her son Mandeep Singh to USA and demanded ₹35 lakh from her for the said purpose. On 30.03.2017, complainant gave ₹19 lakh along with passport of her son Mandeep Singh to petitioner No.2 for sending her son to USA. It was alleged further that amount of ₹3 lakh on 18.11.2017, ₹10 lakh on 19.06.2018 and 14 tolas gold was given to petitioner-Surjit Singh, but the petitioners kept on delaying the matter on one pretext or the other. Son of the complainant was not sent to

USA and when complainant demanded her money back, petitioner No.1 Surjit Singh threatened to kill her.

3. As the status report filed by way of affidavit of Gurpreet Singh, PPS, Deputy Superintendent of Police, Sub Division Shahkot, District Jalandhar (Rural) reveal, before registering the FIR, matter was enquired into by DSP, Sub Division Shahkot. During enquiry, complainant produced relevant documents revealing that she had withdrawn ₹19 lakhs on 30.03.2017 from her Fixed Deposits and gave the money to the petitioners. Complainant had further withdrawn the amount from her Fixed Deposits on 18.11.2017 and 19.06.2018 to pay the amount of ₹3 lakh and ₹10 lakh respectively. Besides complainant was found to have given 14 tolas of gold to the petitioners in lieu of the remaining ₹3 lakh and thus, total amount of ₹35 lakh has been paid. On necessary verification, it was also found that petitioners were not the travel agents. It is on the basis of enquiry report that FIR was registered.

4. It is contended on behalf of the petitioners that though the alleged amount was paid on different dates during March 2017 to June 2018, but the complaint was made after a huge delay of almost 3 years, on 31.03.2021 with a concocted story. Learned senior advocate for the petitioners further contended that there is no reference in the enquiry as to whether police enquired about the actual payment made to the petitioners, inasmuch as the enquiry simply reveals withdrawal of the amount by the complainant from her bank.

5. Vide order dated 24.01.2023, having noticed the circumstances of the case, petitioners were directed to join the investigation and cooperate in the same. As per the police report, in compliance of the order of this

Court, petitioners have joined the investigation, though challan is yet to be filed. It is not the case of the respondent/State that petitioners did not cooperate in investigation or that any recovery is to be effected from them or that they will hamper the further investigation in any manner.

6. Having regard to all the aforesaid facts and circumstances, but without commenting anything further in this case, the order dated 24.01.2023 is hereby made absolute subject to the condition that petitioners shall continue to join the investigation, if & so required by the Arresting Officer/Investigating Officer and will also abide by the conditions mentioned in Section 438 (2) Cr.PC.

Disposed of.

(DEEPAK GUPTA)
JUDGE

20.07.2023

Vivek

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No