

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

213

1.

CRM-M-7222-2023
Date of Decision: 23.03.2023

Aman Bawa @ Raghav Kapoor

.....Petitioner

Versus

State of Punjab

.....Respondent

2.

CRM-M 7200 of 2023

Aman Bawa @ Raghav Kapoor

.....Petitioner

Versus

State of Punjab

.....Respondent

3.

CRM-M-7236-2023

Aman Bawa @ Raghav Kapoor

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Mr. Anurag Arora, Advocate for the petitioner.

Ms. Himani Arora, AAG, Punjab.

GURBIR SINGH, J

The present petitions bearing CRM-M-7222-2023, CRM-M 7200 of 2023 and CRM-M-7236-2023 have been filed by the petitioner praying for grant of regular bail in cases i.e. FIR No.0402 dated 08.11.2019, FIR No.398 dated 04.11.2019, FIR No.0403, dated 09.11.2019 respectively, all registered under Sections 420, 120-B IPC and Section 24 of Immigration Act 1983, P.S. Division No.5, District Police Commissionerate Ludhiana.

Since identical questions of law and facts are involved in all the above said three petitions i.e. CRM-M-7222-2023, CRM-M 7200 of 2023, and CRM-M-7236-2023, the same are being disposed of by this common order. For the sake of convenience the facts are being taken from CRM-M-7222-2023.

The petitioner has filed the present petition praying for grant of regular bail in case FIR No.398 dated 04.11.2019, under Sections 420, 120-B IPC and Section 24 of Immigration Act 1983, Division No.5, District Police Commissionerate Ludhiana.

The FIR in question was registered on the complaint of Inderjit Singh and others. As per allegations, the wards/children of the complainants are studying in Sacred Heart Convent, Senior Secondary School, Sarabha Nagar, Ludhiana. The arrangements regarding sending their children on trip to NASA, USA, was made by the school and parents of children were informed accordingly. They went to the school in the month of November, 2018 where they were introduced with the travel agents namely Anju Bawa, Rajinder Singh Bawa and Aman Bawa-petitioner, owners of M/s Leisure Holidays. They told that they would take their children to NASA, USA and charge a sum of Rs.2,80,000/- per child. Believing them, the complainants paid Rs.2 lacs by way of demand drafts and Rs.80,000/- per child, as cash, but they did not take their children to NASA, USA and in this way the petitioner and his accomplices have committed cheating of crores of rupees with the parents of 148 children of the same very school. They submitted all the concerned documents with the travel agents. Upon putting pressure, the above mentioned travel agents returned some amount to the School

administrators and a sum of Rs.80,000/- in cash per child was returned by the school administrators to them. Subsequently, a sum of Rs.50,000/- through cheque returned to each child by the above mentioned travel agents. In this way, they returned a sum of Rs.1,30,000/- per child to them and regarding paying back the remaining sum of Rs.1,50,000/- per child, they kept on putting off the matter on one pretext or the other. Later on, they came to know that they were preparing the forged documents in order to obtain the visa for the children. The above mentioned travel agents were not having license for sending people aboard.

Learned counsel for the petitioner submits that the firm namely, M/s Leisure Holidays is owned by mother of the petitioner, namely, Anju Bawa, who is running this proprietorship firm and is now in the business of travel agency for the last many years. Copy of the licence issued dated 13.12.2018 for Travel Agency issued by the District Magistrate, Ludhiana and Registration of GST Certificate dated 22.07.2019 of the firm are annexed as Annexure P-2 and Annexure P-3. She is solely taking care of the entire business. Considering the good reputation of the mother of the petitioner, the said school contacted her for foreign packages for the students of their school. In the year 2018, the said school entered in agreement with Leisure Holidays Limited on 22.12.2018 for sending approximate 200 students of the school to the tour to USA. VISA to the students was not granted by the Embassy, so students could not go abroad. Later on they returned some amount to the students and some amount was left as the same was further paid for the advance booking including air tickets, transportation, hotels etc. Service charges were also to be deducted and as such, there was no misappropriation of money. M/s Leisures

Holidays Ltd also filed a civil suit for rendition of accounts against Sacred Heart Convent School and to settle the accounts. Copy of the plaint is Annexure P-6. He has been falsely implicated being son of Anju Bawa, proprietor of the said concern. Petitioner is not any way associated with said concern. Co-accused, namely, Rajinder Singh Bawa (father of the petitioner), has already been granted the concession of regular bail by learned Additional Sessions Judge, Ludhiana, vide order dated 15.05.2020 (Annexure P-8). Initially, FIR No.340, dated 25.09.2019, under Section 420 IPC and Section 13 of the Punjab Prevention of Human Smuggling Act, Police Station Division No.5 District Police Commissionerate Ludhiana, was got registered by the School. In the said FIR, almost on identical allegations the petitioner has already been granted concession of regular bail by the Co-ordinate Bench of this case vide order dated 19.01.2023 passed in CRM-M-47450-2022. More than one FIR regarding the same occurrence could not be registered, therefore, the petitioner is entitled for regular bail.

Custody certificate as well as Status report by way of affidavit of Jasroop Kaur Batth, IPS, Assistant Commissioner of Police, Civil Lines, Ludhiana, on behalf of respondent-State (in CRM-M-7222-2023), filed in Court today. The same are taken on record.

On the other hand, learned State counsel opposes the plea of the petitioner for grant of regular bail on the ground of seriousness of the offences and that three other cases are pending against him. It is also not disputed that as per custody certificate, the petitioner has undergone more than nine months of custody and he is in custody since 20.06.2022.

Heard.

The case is triable by the Judicial Magistrate. Initially, on

similar allegation, School had got registered FIR No.340, dated 25.09.2019, under Section 420 IPC and Section 13 of the Punjab Prevention of Human Smuggling Act, registered at Police Station Division No.5 District Police Commissionerate Ludhiana. The petitioner has already been granted bail in the said case. Thereafter, subsequent FIRs were filed by some of the parents almost on similar ground. As per custody certificate, the petitioner is in custody since 20.06.2022 and has undergone more than nine months of custody. The trial is likely to take long time and no useful purpose would be served by keeping the petitioner behind bars. Moreover, co-accused Rajinder Singh Bawa (father of the petitioner), has already been granted the concession of regular bail in this Court.

Accordingly, the petition bearing CRM-M-7222-2023 is **allowed** and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate concerned. The petitioner shall also abide by the following conditions:-

- 1. The petitioner shall surrender his passport and shall not leave the country without the prior permission of the Trial Court/court concerned*
- 2. The petitioner shall give his mobile number to the Trial Court and get the same registered, on which SMS shall be received from the CIS and shall not change his mobile number during pendency of the case.*
- 3. The petitioner shall not change his residence without prior intimation to the SHO concerned and the trial Court.*
- 4. The petitioner shall appear before the Trial Court on each and every date of hearing.*

The Trial Court is at liberty to impose any other condition that

it may deem appropriate. It is further clarified that in case of default of any of the conditions, then the concerned Court is competent to cancel the bail granted to the petitioner.

Nothing stated herein above be construed as a final expression of opinion on the merits of the case and the Trial Court would proceed independently of the observations above, which have only been made for the purpose of adjudication of the present petition for grant of regular bail.

Accordingly, petitions bearing CRM-M-7200-2023 and CRM-M-7236-2023 are allowed on the same terms as order passed in CRM-M-7222-2023.

A photocopy of this order be placed on the files of connected cases.

(GURBIR SINGH)
JUDGE

23.03.2023

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No