

CRM-M-12634-2023 (O& M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-12634-2023 (O& M)****Date of decision: 26.05.2023**

Gagandeep Singh

.... Petitioner

V/s

State of Punjab .

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr.Imaan Singh Khara, Advocate,
for the petitioner.

Ms. Ramta K Chaudhary, DAG, Punjab.

Mr. Bikramjit Singh Jatana, Advocate,
for the complainant.

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 petitioner in case FIR No.268 dated 26.10.2022 under Sections 420, 406, 120-B IPC registered at Police Station Civil Lines Bathinda, District Bathinda (Annexure P-1).

2. The present FIR came to be registered at the instance of Sukhbir Singh who stated that he wanted to go abroad for higher education and for the said purpose approached Amandeep Kaur Sidhu (Anticipatory Bail dismissed vide order dated 12.01.2023 passed in CRM-M-55484-2022) wife of Baljit Singh Sidhu, owner of AIMS Institute, Bathinda. She promised to provide a Canadian Visa for an amount of Rs.25 lacs. In furtherance of the same, he (complainant) delivered all relevant documents including his passport, B.Sc. certificate and other papers. He was told that

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No.012936 for a sum of Rs.1,50,000/- as security. He paid Rs.6,00,000/- to her in 2019 at the institute, Rs.6,00,000/- to her in the year 2019 at village Marhak (village of the complainant), District Faridkot, Rs.8,00,000/-in the year 2020 at her residence and Rs.5,00,000/- in the year 2021. Amandeep Kaur's partner Gagandeep Singh (petitioner) gave a cheque bearing No.182372 for an amount of Rs.4,00,000/- to him (complainant) as security. Despite having made the payment, the Visa was not provided on the ground of the COVID-19 Pandemic. When he (complainant) did not receive the Visa and contacted Amandeep Kaur, she told him that the AIMS Institute, Bathinda, had been closed and a new institute in the name of Dolphin Institute was running at Maheshwari Chowk, Bathinda. She also told him that the Visa had been received and he could go to Canada in September. 2022. However, on verification, it was revealed that the Visa was a fake document and the Visa stamp was also fake. On approaching the Dolphin Institute belonging to Amandeep Kaur, he found that the same was lying closed. He made a phone call to her and she had blocked his (complainant's) number. Thus, he had been cheated by her and the other co-accused.

3. The learned counsel for the petitioner contends that Amandeep Kaur is the main accused and the petitioner has no role to play in the entire occurrence. In fact, he had been falsely implicated at the instance of the investigating agency. As there were no allegations against him having received any money, he was entitled to the concession of anticipatory bail.

4. The learned counsel for the State, on the other hand, has filed a reply dated 27.03.2023 by way of affidavit of Gurpreet Singh, PPS, Deputy Superintendent of Police, City-II, Bathinda. While referring to the said

reply, he contends that a huge amount of money was given to the petitioner

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and his co-accused Amandeep Kaur. The petitioner and his co-accused/Amandeep Kaur had issued security cheques to the complainant. Not only had they not returned the money to the complainant but also provide a fake and fictitious Visa to him. Both the accused were absconding despite the anticipatory bail of Amandeep Kaur having been declined. It is his contention that the custodial interrogation of the petitioner was required to investigate the case effectively, to recover the amount and to find-out the *modus operandi* of the whole operation. He, therefore, prays that the present petition be dismissed.

5. The learned counsel for the complainant has vehemently opposed the bail application of the petitioner stating that it was the petitioner and his co-accused who had misled the complainant, received the entire money and had provided a fake and forged Canadian Visa to the complainant. He submits that the offences of this kind are on the rise and to take the investigation to its logical conclusion, the custodial interrogation of the petitioner was certainly necessary, moreso, when the co-accused Amandeep Kaur had been absconding despite her prayer for the grant of anticipatory bail having been declined.

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

7. The allegations against the petitioner and his co-accused as levelled by the complainant are clear and categoric. They had duped the complainant to the extent of Rs.25,00,000/- on the pretext of sending him abroad. Two security cheques, one issued by the petitioner and the other issued by his co-accused Amandeep Kaur were handed over to the complainant which shows that there were transactions pursuant to the

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on the other. On receipt of the money, a forged and fake Visa was provided to the complainant. Despite the dismissal of the anticipatory bail application of Amandeep Kaur, she is still absconding. Keeping in view the seriousness of the allegations alongwith the fact that the investigation has to be taken to its logical conclusion, the petitioner is not entitled to the grant of anticipatory bail.

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

(JASJIT SINGH BEDI)
JUDGE

May 26, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No