

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-25181-2022

Date of Decision:-18.04.2023

Amarjeet Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Rajat Dogra, Advocate for
Ms. Tanisha, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

Mr. J.S. Bhinder, Advocate for the Complainant.

JASJIT SINGH BEDI, J.

The Prayer in this petition under Section 438 Cr.PC is for the grant of anticipatory bail in case FIR No.50 dated 05.03.2022 under Sections 406, 420, 468, 471, 120-B IPC registered at Police Station Tripuri, Patiala, District Patiala.

2. The brief facts of the case are that one Shakti Gupta made an application to the investigating agency stating therein that he had seen an advertisement in the newspaper regarding sending people abroad. The said advertisement had been issued by Mannat Immigration. On reading the advertisement he had called on the given numbers and had spoken with Gurdit Singh and Rajvir Singh and enquired about the process and document required for going abroad. Ultimately a meeting took place between him(complainant) and the aforementioned two persons namely Gurdit Singh

and Rajvir Singh at Patiala. A sum of Rs.50,000/- was paid by him to the two persons. The aforementioned persons stated that they would charge Rs.8 lacs per person for the Visa of Yogesh Saini and Harjas Singh. A further sum of Rs.50,000/- along with documents of Yogesh Saini and Harjas Singh were given to the aforementioned persons by him (complainant) on 20.10.2020. Thereafter a sum of Rs.50,000/- was deposited in the bank account of Jaswinder Singh. Accused Rajvir Singh took an amount of Rs.2,80,000/- in cash at Patiala from him (complainant) on 25.10.2020. Subsequently, on 15.02.2021 a fictitious letter was sent to Yogesh Saini stating that he had been provided a job. The letter was accompanied by a flight ticket. Thereafter a further amount of Rs.3,50,000/- was handed over in cash to the accused by him (complainant) on 17.11.2020. On 06.11.2020 a sum of Rs.75,000/- and Rs.25,000/- was deposited in account of Jaswinder Singh. Thus a total amount of Rs.8,10,000/- had been deposited by him (complainant) with the accused on the pretext of sending the persons to Singapore. Ultimately, it transpired that the job letters, Visas etc., which had been provided by the accused to him (complainant) were all false and forged. On being asked to return the money a sum of Rs.50,000/- was deposited in the account of Harjas Singh. Therefore, legal action was sought.

3. The Counsel for the petitioner contends that no amount of money was paid to the petitioner. Taking the allegations to be correct, the money was paid by the complainant either to Gurdit Singh or Jaswinder Singh. Therefore, the petitioner was entitled to the grant of anticipatory bail.

4. The Counsel for the complainant on the other hand contends that the petitioner is a partner of Mannat Immigration firm which had given the advertisement in question pursuant to which the complainant had

contacted the accused in order to send two persons to Singapore. Fake and fictitious documents which had been provided by the accused had been issued under the name of Mannat Immigration. As the petitioner had failed to adhere to the terms of the compromise as per his undertaking given to this Court, the petitioner was not entitled to the grant of bail.

5. The Counsel for the State on the other hand contends that the allegations against the petitioner and his co-accused are grave. In fact, when the Court had not been inclined to grant anticipatory bail at the first instance it was only then that the petitioner had undertaken to make the payment to the complainant for which the matter had been referred to the Mediation and Conciliation Centre of this Court. However, despite the arrest of the petitioner being stayed he deliberately chose not to appear before the Mediation and Conciliation Centre of this Court. Therefore the nature of allegations against the petitioner as also his conduct during the pendency of the present proceedings did not entitle him to the grant of anticipatory bail.

6. I have heard the counsel for the parties at length.

7. A perusal of the FIR and the investigation conducted so far would establish that the co-accused of the namely, Gurdit Singh and Rajvir Singh have taken a huge amount of Rs.8,10,000/- from the complainant on the pretext of sending two persons to Singapore. The petitioner is a partner of Mannat Immigration and all the forged documents were sent under the name of Mannat Immigration. When this matter had come up for hearing on 20.07.22, as the court was not inclined to grant bail, the Counsel for the petitioner had stated that he was ready and willing to affect a compromise with the complainant. In that situation his arrest had been stayed and he had been asked to appear before the Mediation and Conciliation Centre of this Court. However, he has deliberately chosen not to appear before the

Mediation Centre which clearly establishes the fact that he does not wish to honour the undertaking given to this Court and had only expressed his intention to effect a settlement so that his arrest would be stayed.

8. In view of the nature of allegations against the petitioner and his co-accused as also the fact that the petitioner had undertaken to make the entire payment to the complainant on account of which his arrest had been stayed but subsequently had reneged from his undertaking, I find that the petitioner does not deserve the concession of anticipatory bail. Therefore, the present petition is dismissed.

(JASJIT SINGH BEDI)
JUDGE

April 18, 2023

Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No