

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25359-2022

Date of Decision: June 01, 2023

ROOP LAL Petitioner
Versus
STATE OF PUNJAB AND ORS Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vipin Mahajan, Advocate for the petitioner.
Mr. Amit Shukla, AAG, Punjab.
Ms. Himani Kapila, Advocate for
for Mr. Rajesh Kapila, Advocate for complainant.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 438 CrPC, prayer has been made for grant of anticipatory bail in case FIR No.73 dated 19.04.2022 registered under Section 420 IPC and Section 13 of Punjab Travel Professionals (Regulation) Acts, 2014 at P.S. City Gurdaspur, District Gurdaspur.
2. As per the allegations, the petitioner committed fraud for a sum of Rs.9,25,000/- with the complainant on the pretext of sending his son abroad, more specifically, to South Korea for getting him employed there.
3. Learned counsel for the petitioner submits that the petitioner is not doing any work of sending people abroad and in fact the real story is that certain amount was borrowed by the petitioner from complainant being relative, however, he could not repay the same which resulted into registration of the present FIR.
4. On the other hand, learned State counsel on instructions from Investigating Officer and assisted by learned counsel for the complainant opposes the prayer made herein while submitting that the custodial interrogation of petitioner is required for the purpose of obtaining information from him. He further submits that the petitioner cheated the complainant for a huge amount of Rs.9,25,000/- on the pretext of sending

his son abroad and getting him job there, however, the son of the petitioner was sent to Vietnam on a tourist visa instead of assurance of work permit and thus committed fraud upon complainant.

5. I have heard learned counsel for the parties and gone through the paper-book.

6. In the present facts and circumstances, the entire money has been deposited in the accounts of petitioner through different small transactions extending between November 2019 till September 2022 which apparently falsifies the stand taken by the petitioner as regards he having borrowed the amount from the complainant for the purpose of his business as in case of borrowing the amount for business, the entire amount would have been paid by complainant in one instalment or two instalments and not in bits and pieces like done in the present case.

7. In view of the facts as alleged in the FIR, petitioner having assured the complainant of sending his son to South Korea for getting him a work permit, played a fraud upon him by sending him to Vietnam on a tourist visa and duped him of huge amount which requires proper investigation without any interference from this Court at this stage. Thus, considering the nature of allegations levelled in the complaint as well as the manner in which the offence has been committed by the petitioner having cheated his own relative, I do not deem it appropriate to extend the concession of pre-arrest bail in his favour as the same would hamper the progress of investigation.

8. Dismissed in the aforesaid terms.

01.06.2023
tejwinder

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No