

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

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CRM-M-31834-2023

Date of Decision :-17.07.2023

Gagandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Parvinder Singh Advocate for the petitioner.

Mr. Jaswinder Singh Arora, DAG, Punjab.

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Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No.29 dated 12.03.2023 registered under Sections 406 and 420 of the IPC and Section 13 of the Punjab Travel Professional (Regulation) Act, 2014 at Police Station Garhshankar, District Hoshiarpur.

In the present case, as per the allegations, the complainant had given money to the accused-petitioner on the pretext of migrating him to Italy and getting him a job there.

From the facts, it transpires that a sum of Rs.40,000/- was given to the mother of the accused-petitioner namely, Gagandeep Singh and remaining amount was deposited in the bank accounts of various other persons on the asking of the petitioner amounting to Rs.6,75,000/- and as per the allegation, the petitioner sent a fake visa to the complainant and when the money given by the complainant was demanded back from the

petitioner, the complainant was threatened to be killed.

Learned counsel for the petitioner submits that the allegations alleged against the petitioner are incorrect and false and as the petitioner is ready to join and cooperate in investigation, he be granted the benefit of anticipatory bail.

Learned State counsel on the other hand submits that the allegations alleged against the petitioner are serious in nature as a sum of Rs.40,000/- alleged to have been given to the mother of the petitioner and remaining amount was transferred in the bank accounts of the other persons on the asking of the petitioner, which amount is yet to be recovered. Learned State counsel further submits that once the amount in question is yet to be recovered from the petitioner, the custodial interrogation of the petitioner is necessary.

I have heard learned counsel for the petitioner and have gone through the record with their able assistance.

Keeping in view the fact that these days it is common that people cheat others, who intend to settle abroad by giving them false hopes so as to extract money from them and as per the allegations in the present case, even a fake visa has been given by the petitioner to the complainant to show his bonafide and once the allegation in the FIR is that amount was deposited by the complainant in the bank accounts of various persons on the asking of the petitioner and a sum of Rs.40,000/- has been given to the mother of the petitioner, which amount is yet to be recovered coupled with the fact that the information as to how the fake visa was prepared and given to complainant is to be unearthed, the custodial interrogation of the petitioner is necessary.

Further, this is not a case, where allowing the petitioner to join investigation and cooperate will achieve purpose of investigation. Even the Hon'ble Supreme Court of India in *State represented by the C.B.I. Vs. Anil Sharma, 1997(4) R.C.R.(Criminal) 268*, has held that in case where serious allegations have been alleged and the truth needs to be elicited from the accused, the same can only be done through the custodial interrogation as compared to questioning a suspect, who is already on anticipatory bail. In the facts and circumstances of this case, custodial interrogation of the petitioner is necessary to elicit truth.

Keeping in view the facts and circumstances recorded hereinbefore, no ground is made out to allow the present petition seeking anticipatory bail to the petitioner.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

July 17, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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