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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51434-2023
Date of Decision:20.12.2023

Satpal Singh...Petitioner

Vs.

State of Punjab...Respondent

(ii) CRM-M-59512-2023

Samuel...Petitioner

Vs.

State of Punjab...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present: Mr. Shubham Thakur, Advocate
for the petitioner in CRM-M-51434-2023.

Mr. Bhavesh Aggarwal, Advocate
for the petitioner in CRM-M-59512-2023.

Mr. M.S. Bajwa, DAG, Punjab.

Mr. Munish Puri, Advocate
for the complainant.

N.S.Shekhawat J.

1. This order shall dispose off two bail petitions i.e CRM-M-51434-2023 titled as “*Satpal Singh Vs. State of Punjab*” and CRM-M-59512-2023 titled as “*Samuel Vs. State of Punjab*”, whereby the petitioners have prayed for anticipatory bail in case arising out of FIR No.84 dated 03.09.2023 registered under Sections 420 of IPC and Section 13 of Punjab Travel Professions Regulations Act, Police Station Sadar, Gurdaspur, District Gurdaspur, Punjab.
2. A status report by way of an affidavit of Deputy Superintendent of Police, City, District Gurdaspur has been filed on behalf of respondent-State in

CRM-M-59512-2023 and the same is taken on record.

3. The FIR in the present case was registered on the basis of the statement made by Ashwani Kumar son of Ashok Kumar and the same has been reproduced below:-

As per allegations in the FIR, complainant Ashok Kumar struck a bargain with accused Bhupinder Kumar for sending his son Ashwani Kumar to Spain for Rs 14,00,000/- The complainant had been introduced to Bhupinder Kumar by a person namely Karan Singh son of Raghunath Singh. He had also allegedly entered into a separate agreement for going to Spain for Rs. 14,00,000/-. His father Raghunath Singh had made a similar complaint against the accused persons. Bhupinder Kumar had told them that he alongwith Sam had been working as travel agents and they would send Ashwani Kumar and Karan Singh to Spain. They took Rs.14,00,000/- from them. Firstly, they sent them to Dubai, but later on they brought them back to India to take them to Russia and thereafter they left them in the forests of some country. Ashwani Kumar could come back with great difficulties and the whereabouts of Karan Singh are still not known. Further, there is allegation in the FIR that complainant Ashok Kumar and Raghunath Singh had gone to the house of Sam for making the payment. The applicant/accused Satpal Singh was also present with accused Bhupinder Kumar and Sam. All of them had assured that they would send the boys to Spain. Sam had handed over the currency notes to Bhupinder Kumar and his father Satpal Singh to count the same and they retained the same with them.

4. Learned counsel for the petitioners submit that the petitioners have been falsely involved in the present case. Satpal Singh, petitioner in CRM-M-51434-2023 is a senior citizen and had retired as JEE from Punjab State Power

Corporation Limited. In fact, Satpal Singh, petitioner had no experience of any travel agency and even as per the allegations levelled by the complainant, he was simply present at the spot, where the amount was handed over to the co-accused. To show his bonafides, learned counsel for the petitioner had voluntarily offered to deposit a sum of Rs.4 lacs within a period of 20 days from 11.10.2023. Similarly, learned counsel appearing on behalf of Samuel, petitioner in CRM-M-59512-2023, submitted that the petitioner shall deposit a sum of Rs.5 lacs within a period of 20 days from 28.11.2023. Both the petitioners had voluntarily made a statement to deposit the money, just to show their bonafides, before the Court.

5. On the other hand learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioners. Learned State counsel submitted that the petitioners and their co-accused had cheated the complainant to the tune of Rs.14 lacs and there are specific allegations against both the petitioners. As per the complainant, he had handed over an amount of Rs.14 lacs to Samuel and Bhupender Kumar and Samuel had handed over this amount to Satpal. After counting the money, the son of the complainant was sent abroad by them. Even the money was paid for sending the son of the complainant to Spain, however, he was sent to Dubai and when the son of the complainant reached Dubai, he was detained and harassed by the travel agents. After keeping him, there for several days, he was sent back to India. Again he was sent to Russia, from where he was sent in a taxi and dropped in the jungles of Belarus. His son stranded in jungles of Belarus and was starving and the travel agents were not

answering of their phones. The complainant was repeatedly making calls to the petitioners, but they had switched off their phones. Thus, the life of the son of the complainant was in danger and was saved with great difficulty.

6. I have heard learned counsel for the parties and perused the record.
7. From the allegations levelled in the FIR, it is evident that both the petitioners and their co-accused had illegally taken a sum of Rs.14 lacs from the complainant and his son. Not only that, the son of the complainant was sent to Russia from where he was dropped in the jungles of Belarus and was left to die there. Even, the son of the complainant had to starve for several days and the travel agents including the petitioners refused to give any satisfactory reply. In the present case, not only the documentary evidence is to be collected from the present petitioners, but the Investigating Agency is yet to ascertain the number of the names and details of the persons, who were involved in the present crime. Apart from that, allegations levelled against the petitioners are serious in nature and they does not deserve the concession of bail by this Court and the same is liable to be dismissed.

20.12.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No