

2023:PHHC:139338

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CRM M-49404 of 2019
Date of Decision: 18.10.2023

Dilbag Singh and another ...Petitioners

Vs.

State of Punjab and another ...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Amit Dhawan, Advocate, for the petitioner No. 1.

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

Mr. Vijay Rana, Advocate, for respondent No. 2.

Mr. L.S. Mann, Advocate, for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioners have filed the instant petition under Section 438 of the Cr.P.C. with a prayer to grant a anticipatory bail to them in case FIR No.14 dated 12.02.2019 registered under Sections 406, 420 and 120-B IPC and under Section 13 Punjab Prevention of Human Smuggling Act, 2012 at Police Station Lohian, District Jalandhar.

2. The FIR in the present case was registered on the basis of statement made by Darbara Singh, who moved a complaint against both the petitioners/accused as well as their co-accused for fraud and cheating. As per the complainant, his son Ranjit Singh has passed 10+2 examination and he wanted to send his son to Canada for study.

He came to know that Amarjit Singh @ Babbu, his wife Sarabjit Kaur, Dilbagh Singh and Sapanmanpreet Kaur were doing the business of sending the students to foreign country on study visa. He went to their house, where, he expressed his intention to send his son to Canada for studies. Amarjit Singh @ Babbu, Sarabjit Kaur, Dilbagh Singh and Sapanmanpreet Kaur told him that they had the licence to send the people abroad on study visa and they were capable to send his son to Canada even without IELTS and gave him an assurance that they will send his son to Canada in lieu of Rs. 17 lacs and will also provide him job. On 14.06.2017, he alongwith certain persons met Amarjit Singh @ Babbu and the accused again assured that they will send his son abroad and will charge a sum of Rs. 17 lacs. On the false assurance by the accused, the complainant transferred a sum of Rs. 3.50 lacs on 15.06.2017 in the account of Sapanmanpreet Kaur and handed over a sum of Rs. 50,000/- in cash alongwith original passport and educational certificates of his son to Dilbagh Singh and Sapanmanpreet Kaur so that necessary process may be initiated. Even Dilbagh Singh and Sapanmanpreet Kaur gave in writing and admitted that the deal was done for a sum of Rs. 17 lacs and out of the said amount, a sum of Rs. 4 lacs has already been received by them. After some time, they did not return the amount nor his son was sent abroad. The complainant and his son went to the accused again and again the accused kept assuring that they were doing efforts to send his son to Canada. However, they did not return the amount. Later,

instead of returning the amount, they started extending threats to the complainant. The complainant also came to know that the above said persons had already taken a sum of Rs. 5 lacs from Jaskaranvir Singh for sending him abroad and cheated him. Even, the accused had not returned the money to Jaskaranvir Singh and he tried to commit suicide as the accused refused to return his amount. With these broad allegations, the FIR has been registered against the petitioners and the other persons.

3. Learned counsel for the petitioners argued that without prejudice to their right of defence and their right to recover the amount from the other co-accused Ajmer Singh, petitioners had handed over a draft of Rs. 1 lac in favour of the respondent No. 2/complainant and prayed for more time to bring the demand draft for the balance amount on the next date of hearing. This order was passed on 31.01.2020. Thereafter, the case was taken up on several dates but the petitioners did not present any draft. Again, despite repeated assurances, the petitioners did not return the amount to the complainant. Apart from that, a sum of Rs. 50,000/- by way of a demand draft was also handed over to the complainant on 10.01.2022 and it was assured that the payments would be made shortly. However, the matter was heard today and the petitioners expressed helplessness and did not make any payments to the respondent No.2/complainant, despite getting the adjournments for the last 04

years. Even today, they were given an offer to return the amount, for which, they did not agree at all.

4. On the other hand, learned State counsel submits that serious allegations have been levelled against the petitioners and they had cheated several innocent villagers in the present case. Apart from that, such cases of cheating and duping innocent persons, on the pretext of sending them abroad are on the rise and the custodial interrogation of the petitioners will be required in the present case.

5. I have heard learned counsel for the parties and perused the record.

6. It is evident from the record that the petitioners had cheated the complainant on the pretext of sending his son to Canada on study visa. Even an assurance was made before this Court to make the entire payment to the complainant and on the said excuse, the petitioners were able to get this case adjourned repeatedly and illegally. Apart from that, there are specific allegations of handing over the amount of lacs of rupees to both the petitioners and the petitioners had also cheated other innocent persons as well.

7. Keeping in view the gravity of the offences, the petitioners are not entitled to concession of anticipatory bail and the bail petition is ordered to be dismissed.

18.10.2023

(N.S.SHEKHAWAT)

amit rana

JUDGE

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