

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105

CRM-M-55849-2023
Date of Decision: 05.12.2023

Jaswant Singh
...Petitioner

Versus

State of Punjab
...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Gurjinder Singh Thind, Advocate,
for the petitioner.

Mr. Gurvinder Singh Sidhu, AAG, Punjab.

FIR No.	Dated	Section/s	Police Station
0200	09.10.2023	406 IPC	Gobindgarh Mandi, District Fatehgarh Sahib

VIKAS SURI, J. (Oral)

- The petitioner has filed the present petition under Section 438 Cr.P.C. for grant of anticipatory bail in the above-captioned case.
- As per prosecution case, one Sonpreet Singh son of Bahadur Singh resident of village Jamalpur, Tehsil and District Ludhiana, made a complaint to SSP, Fatehgarh Sahib, against petitioner-Jaswant Singh, who is Proprietor of Sidhu Travels, Mandi Gobindgarh, alleging therein that on account of unemployment, complainant desired to settle abroad. He came in

contact with petitioner-Jaswant Singh, who induced the complainant by ensuring that he had sent hundreds of people abroad and had helped them in settling abroad through the legal channel. The deal was struck at ₹16,00,000/- for sending him on work permit to Canada. On 14.12.2020, an amount of ₹1,70,000/- was transferred in the bank account of petitioner and thereafter, the second instalment of ₹2,70,000/- was demanded followed by a subsequent demand of ₹10,000/-. After 6/7 months, when the complainant contacted the petitioner and failed to receive a response, complainant found out that the petitioner had not applied/processed the file of the petitioner for work permit of Canada. Petitioner, on being pressurized for refund of his money by the complainant, issued a cheque for an amount of ₹4,50,000/- on 28.01.2022, which on presentation was dishonoured. The complainant has neither been sent to Canada nor his money has been returned and thus, criminal charges were sought to be pressed against the petitioner.

3. Learned counsel for the petitioner submits that the petitioner has only received a sum of ₹1,80,000/- in his bank account and he is ready to return the same. It is further submitted that the petitioner was also cheated by another person, namely Ramandeep Singh Toor, for sending his son abroad, namely Prabhjot Singh. The said accused Ramandeep Singh Toor is lodged in Patiala Jail in a case involving cheating and fraud.

4. Per contra, learned State counsel has opposed the petition and submitted that the petitioner is the main accused being Proprietor of Sidhu Travels and has received substantial sum of money in his bank account.

Petitioner has also issued a cheque amounting to ₹4,50,000/- but the same was dishonoured. The investigation is at the initial stage and the same would require deeper probe keeping in view the involvement of a large amount and the modus deployed for cheating susceptible person.

5. I have heard learned counsel for the parties and considered their rival contentions.

6. After hearing learned counsel for the parties and going through the pleadings of the case, this Court does not deem it to be a fit case for grant of concession of anticipatory bail to the petitioner. There are specific allegations against the petitioner that he had received a heavy amount from the complainant on pretext of sending him to Canada and also gave false assurances with an intention to deceive him. In the considered opinion of this Court, custodial interrogation of the petitioner is very much essential to unearth the nexus and to extract relevant records and examine statements of bank accounts as well as identification of the persons involved in the commission of offences. No ground is made out to *prima facie* disbelieve the allegations made against the petitioner at this stage. In the present case, material information is likely to be extracted from the petitioner to reveal the *modus operandi* and if he is granted the concession of anticipatory bail, it will certainly hamper the investigation. The allegations levelled against the petitioner are serious in nature and, therefore, he is not entitled for grant of anticipatory bail at this stage.

7. In light of the above discussion, having not found it to be a fit

case to grant indulgence in the facts and circumstances peculiar to this case,
the present petition is dismissed.

8. It is made clear that anything observed hereinabove is only for
just decision of the present petition and the same shall not influence the
investigation in any manner.

December 05, 2023
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(VIKAS SURI)
JUDGE

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