

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

101

CRM-M-61172 of 2022

Date of decision: 05.01.2023

Jasbir Singh @ Jasbir Singh Pathania

Petitioner

Vs.

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. R.K. Arya, Advocate
for the petitioner.

Mr. Shubham Kaushik, AAG, Punjab.

Mr. Anshul Sharma, Advocate for the complainant.

DEEPAK GUPTA, J.(ORAL)

Petitioner is seeking pre arrest bail in case FIR No.45, dated 23.04.2019, registered at Police Station Daba, District Police Commissionerate Ludhiana under Sections 420, 120-B of IPC and 13 Punjab Prevention of Human Smuggling Act, 2012.

FIR was lodged on the complaint of Hazara Ram as per which he wanted to send his son abroad. His relative Narinder Singh told him he was familiar with many agents, who had already sent many people abroad on work permit. Said Narinder obtained Rs. 30,000/- along with the original passport of 2017 from the complainant that kept on giving false hope. On 21.06.2018 Narinder told the complainant to arrange Rs. 1,30,000/- so that his son's tickets

could be arranged. Said amount was given in cash on 22.06.2018. Son of the complainant was taken to Delhi where he was provided the tickets for Jordan to send him abroad. On reaching Jordan, son of the complainant was arrested by the police and taken into custody because he was having a tourist visa instead of work visa for two years as was informed by Narinder Singh. This way complainant was defrauded. The matter was investigated, during which the name of the present petitioner Jasbir Singh emerged as agent.

It is submitted by learned counsel for the petitioner that name of the petitioner does not find mention in the FIR nor any role is attributed to him; that he has been falsely implicated only on basis of the disclosure statement of co-accused Narinder which is not admissible; that not a single penny was given to him and so in the circumstances, he be allowed pre-arrest bail, as he is ready to join the investigation.

Strongly opposing the bail petition it is submitted by learned counsel for the complainant as well as learned State counsel that name of the petitioner has emerged to be the agent, who had taken money from Narinder. Attention is also drawn towards the fact that petitioner is found involved in similar matters and as many as 4 other criminal cases bearing FIR No.86, dated 28.12.2019, under Sections 406, 419 and 120-B IPC, Police Station Sadar Pathankot; FIR No.185, dated 17.10.2020, under Sections 406, 420 and 120-B IPC, Police Station Sadar Pathankot; FIR No. 138, dated 28.10.2020, under Section 406, 420 and 120-B IPC, Police Station Rahon, Nawan

Shahar and FIR No.143, dated 11.11.2020, under Sections 406 and 420 IPC, Police Station Rahon, Nawan Shahar, have been registered against him.

Having considered submissions of both the sides and considering the criminal antecedents of the petitioner and the role of the petitioner found during investigation, I am of the view that petitioner does not deserve to be given benefit of anticipatory bail.

As such, bail petition is hereby rejected.

January 05, 2023
Poonam Sharma

(DEEPAK GUPTA)
JUDGE

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