

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CRM-M-4032-2024

Date of decision: 28.02.2024

Jaswinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gulzar Mohammad, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.165 dated 11.12.2023 under Section 24 of the Immigration Act and Sections 420, 120 B of the IPC, registered at Police Station Meharban Ludhiana.

2. Learned counsel for the petitioner submits that he has been falsely implicated in the present case for allegedly cheating the complainants by giving them false assurances and then making them part with more than Rs.40 lakhs for sending the complainant and their families to the USA. While drawing the attention of this Court to the FIR in question, it has been submitted that a perusal of the contents thereof, leave no manner of doubt that it is essentially a civil dispute between the parties which for reasons very strange has been given a criminal colour. It has been further submitted that the petitioner is not a travel agent and hence, there was no occasion for him to extend false promises and dupe the complainant of such a huge amount of money;

even otherwise some amount which was borrowed by him from the complainant stands returned. In the circumstances, his custodial interrogation would not be required as no recovery is to be effected from the petitioner.

3. Per contra, learned State counsel while vehemently opposing the prayer and submissions made by counsel opposite, has submitted that a detailed inquiry was carried out after the complainant approached the police; it came to light during the said inquiry that the petitioner had induced the complainants to part with the aforesaid amount on the pretext of sending them and their families abroad, however, he failed to abide by the undertaking given nor did he return the money when the complainants approached him for the same. It has been further submitted that in fact on the false assurance given by the petitioner, the complainants were made to travel to Byjan and thereafter were also made to halt at Dubai for about 28-29 days, however, thereafter they were left in a lurch as they were neither taken to the USA nor did the petitioner arrange to send them back to India. It has been further submitted that the petitioner has been specifically assigned a role in the FIR in question and his custodial interrogation is required in the instant case in order to uncover the entire modus operandi since such crimes are on the rise in the State of Punjab wherein unscrupulous persons like the petitioner have been cheating innocent persons by giving them dreams of foreign travels and jobs abroad.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. Prima facie there are serious and specific allegations

levelled against the petitioner of having cheated the complainant to the tune of more than Rs.40 lakhs on the pretext of sending them abroad. In view of the allegations levelled against the petitioner, he does not deserve the extraordinary concession of anticipatory bail.

6. Accordingly, the instant petition is hereby dismissed.

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

28.02.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No