

CRM-M-7945-2024

2024:PHHC:032864

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-7945-2024

Date of Decision : March 07, 2024

AMRITPAL SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Tarun Sharma, Advocate for the petitioner.

Mr. Pardeep Bajaj, DAG, Punjab.

Mr. Arun Singla, Advocate for
Mr. Rahul Sharma, Advocate
for the complainant.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 438 Cr.P.C., prayer is made for grant of anticipatory bail to the petitioner in case FIR No.0007 dated 4.1.2024 under Sections 420, 120-B of IPC, registered at Police Station City Moga, District Moga.

2. The prosecution agency was set into motion by complainant-Gurjant Singh on the allegations that he is an agriculturist and has studied upto 10th class and wanted to go to Canada. He saw an advertisement with regard to 'My Visa Right Moga' on internet. Upon visiting the office of the above said agency, the complainant met with one Nirmal Singh son of Bikramjit Singh, Amritpal Singh @ Harry (present petitioner) and Sukhjit Kaur @ Meenu where, all the three accused assured to send him

to Canada in case he pays an amount of ₹12 lacs for the said purpose. Believing their assertions to be true, the complainant paid ₹12 lacs in two installments, however, he was neither provided the Visa, nor the money was returned to the complainant. On 2.1.2024, many people were gathered in the office of 'My Visa Right', where, the complainant came to know from other people that they have also been duped on the same pretext as the complainant. During investigation, it comes out that infact the present petitioner with other co-accused have duped number of persons to the tune of ₹65 lacs on the pretext of sending them abroad.

3. Learned counsel for the petitioner , in his asking for the relief of pre-arrest bail, has submitted that infact the petitioner has no concern with 'My Visa Right' and he is merely an employee and no money was infact directly given to him. He further submits that since the offences in which the present FIR has been registered, are punishable upto 7 years, therefore, the prosecution agency was required to comply with the provisions of Section 41A Cr.P.C. and they have not complied with the same, therefore, the petitioner has a right to be released on pre-arrest bail.

4. This Court has examined the submissions made by the learned counsel for the petitioner, as well as the allegations levelled against the petitioner and finds that this is not a fit case for the grant of pre-arrest bail.

5. Upon notice in the instant petition, short reply by way of affidavit of Deputy Superintendent of Police (City), Moga was filed, a

perusal of which makes revelations that prior to the registration of the FIR i.e. on 29.12.2023, co-accused Nirmaljit Singh, who is partner in the 'My Visa Right', had moved an application before the SSP, Moga, against the present petitioner with the allegations that the petitioner has taken his building on rent for running his business of marriage bureau and immigration and about 4 months ago, the petitioner had shifted his office near Deepak Hospital under the name and style of Bobby Marriage Bureau. It was further alleged that infact the petitioner has misused the name of firm 'My Visa Right' whereas, he has no concern with any act of the petitioner. Short affidavit(supra) further makes revelations that co-accused Sukhjit Kaur, while she was returning from Thailand, was arrested at the Kolkata Airport, on the basis of LOC issued against her. In her disclosure statement, co-accused Sukhjit Kaur clearly disclosed about the complicity of the present petitioner and Nirmaljit Singh in duping the innocent people for sending them abroad. The affidavit (supra) further make revelations that notice under Section 41-A Cr.P.C. was duly served upon the present petitioner, however, he has not joined the investigation, rather had approached the Courts below and this Court for seeking pre-arrest bail.

6. Today, the learned State counsel on instructions imparted to him by ASI Harmesh Lal informs this Court that till now six complaints have been received against the present petitioner and the other co-accused and according to which, they have duped six innocent people for an amount of ₹1.16 Crores.

7. Considering the gravity of the offence and complicity and

the act of the present petitioner, this Court is not inclined to grant the extra ordinary relief of pre-arrest bail to the petitioner, as his custodial interrogation is required, therefore, the instant petition is, hereby, **dismissed.**

March 07, 2024

(KULDEEP TIWARI)

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JUDGE

Whether speaking/reasoned.

:

Yes/No

Whether Reportable.

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Yes/No