

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2024:PHHC:000496
CRM-M-13779-2022

Reserved on: January 04, 2024

Date of Decision: January 05, 2024

Kanwaljeet Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: - Mr. L.S. Virk, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

Mr. Ishan Cooner, Advocate for

Mr. J.S. Cooner, Advocate for the complainant.

DEEPAK GUPTA, J.

By way of this petition filed under Section 438 Cr.P.C., petitioner prays for grant of anticipatory bail in case FIR No.271 dated 22.12.2021 under Sections 406 and 420 of IPC, registered at Police Station Ambala Sadar, District Ambala.

2. FIR was lodged on the complaint of Joga Singh S/o Harmel Singh, as per which he and his relative Gagandeep Singh S/o Harbans Singh wanted to go to Canada. They came in contact with Kanwaljeet Singh (petitioner), who assured that he will get their work done. He demanded ₹24,50,000/- each. Initially, an amount of ₹1,50,000/- along with passport was given by the complainant to the petitioner. Gagandeep had already given ₹2,00,000/- with his passport. In November 2020, petitioner informed both of them i.e., Joga Singh and Gagandeep that they are required to deposit money in their account. They opened account in Indusind Bank, Sector 26, Chandigarh and deposited the amount. The petitioner withdrew

an amount of ₹6,00,000/- from the account of the petitioner and ₹5,00,000/- from the account of Gagandeep. Message of withdrawal came on the G-mail of the complainant. They confronted the petitioner, who asked them to be ready to go to Canada. Petitioner and Gagandeep were called at Delhi with more cash in dollars. Since passport, VISA and tickets were with Kanwaljeet Singh, i.e., petitioner, the complainant came to Delhi Airport on 19.11.2020 and they were flown to Dubai by stating that their tickets for Canada will be arranged from Dubai. Both of them were kept in Dubai till 24.01.2021 by making one or the other excuse for arranging the tickets, but were not sent there. On coming back to India, FIR was lodged on the complaint of Joga Singh.

3. It is contended by learned counsel for the petitioner that in fact the petitioner and his relative Gagandeep were trying to go abroad through Kumar Varun, Gagandeep S/o Sushil Kumar and Aneet S/o Sarup Singh; that in November 2020, at the asking of said Kumar Varun, Gagandeep and Gajender @ Jinder, accounts of the complainant Joga Singh and Gagandeep were got opened in Indusind Bank. It is alleged that Aneet and Gagandeep managed to change the mobile numbers for operating the accounts in connivance with the bank officials and later on, managed to transfer the amount in the account of Kumar Varun. Petitioner along with complainant lodged a complaint at Police Station Sector 6, Chandigarh. The matter was compromised. Two cheques were handed over to the petitioner for repayment, but the cheques were dishonoured. Thereafter, complainant Joga Singh and Gagandeep were sent to Dubai with the assurance by Kumar Varun, Gagandeep and Aneet that they will be sent to Canada, but it was not done. Thereafter, petitioner and complainant lodged a criminal complaint and the matter was again compromised, as Aneet handed over cheque for an

frozen. Learned counsel contends that petitioner was the victim along with the complainant in the hands of Kumar Varun, Aneet and Gagandeep and that complaint was jointly made by him along with the complainant against them on the same set of facts. Learned counsel also contends that petitioner is ready to join the investigation and so he be given the benefit of anticipatory bail.

4. Strongly opposing the bail petition, learned State counsel has drawn attention towards the status report, which would reveal that it is the petitioner, who cheated the complainant Joga Singh and Gagandeep S/o Harbans to the tune of ₹44,00,000/- on the pretext of sending them to Canada. Learned State counsel submits that during investigation, the bank record was verified and it was found that various amounts from the account of complainant Joga Singh were transferred by the petitioner in the account of his associate Gagandeep Khosla and Aneet S/o Sarup Singh. Similarly, amount of more than ₹12.5 lacs was transferred in the account of co-accused by the petitioner from the account of Gagandeep S/o Harbans. In all, petitioner Kanwaljeet Singh had cheated complainant & Gagandeep to the tune to ₹27,00,000/- and ₹17,00,000/- respectively, i.e., totaling ₹44,00,000/-. Learned State counsel by referring to the averments of the petitioner regarding the compromises as mentioned in the petition, contends that the petitioner tried to project that amount was actually in possession of co-accused Jojo, Aneet, Kumar Varun and Gagandeep Khosla and that he would get the amount refunded from them and thereafter, complainant & Gagandeep Singh were again cheated by executing a compromise with co-accused Aneet by projecting them to be the main accused. However, no amount was ever refunded. Petitioner along with Aneet, Kumar Varun and Gagandeep Khosla played fraud with the complainant. Petitioner even

Varun etc. at Police Station Sector 6, Chandigarh, though in fact, it is the petitioner, who in connivance with other co-accused Aneet and Kumar Varun etc. cheated the complainant and Gagandeep Singh to the tune of ₹44,00,000/-. Learned State counsel submits further that as per the investigation conducted so far, it is the petitioner, who is the master mind of the commission of the crime and that his custodial interrogation is required to unearth the entire truth. Prayer is made for rejecting the bail petition.

5. After hearing submissions of both the sides and having regard to the facts & circumstances, which have come out during investigation conducted so far, this Court is not inclined to grant the benefit of anticipatory bail to the petitioner, as his custodial interrogation appears to be quite necessary to reach at the bottom of the matter.

Dismissed.

January 05, 2024

Sarita

(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking:

Whether reportable:

Yes/No

Yes/No