



CRM-M-28496-2024

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

210**CRM-M-28496-2024**

Date of Decision:- 16.12.2024

Harinder Singh Sahota

....Petitioner

Vs.

State of Punjab and Ors.

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Harinder Deep Singh Bains, Advocate for the petitioner.

Mr. Kewal Singh, Addl. A.G., Punjab.

Mr. Krishan Singh Dadwal, Advocate and
Mr. Naresh Kumar, Advocate for respondents No.2 and 3.

AMARJOT BHATTI, J.

1. Petitioner Harinder Singh Sahota has filed petition under Section 438 of Cr.P.C. for grant of anticipatory bail in FIR No.41 dated 12.05.2024, under Sections 406, 420 of IPC, 1860, registered at Police Station Garhdiwala, District Hoshiarpur.

2. As per facts of the case, Harjit Singh and Manpreet Singh came in contact with Harinder Singh Sahota in connection with going abroad. Said agent demanded Rs.25 lacs for each member for arranging their tourist *Visa* to Canada. Said agent received Rs.4,19,000/- from Harjit Singh and Rs.3,31,500/- from Manpreet Singh and in this way total amount of Rs.7,50,500/- were received and their signatures were obtained on different



papers. He further charged Rs.10,000/- from both of them. Said agent did not send them to Canada nor refunded their money. With these allegations, present FIR has been registered.

3. Learned counsel for petitioner argued that petitioner had received money from respondents No.2 and 3 for processing their case for going to Canada. He has placed on record his license (Annexure P-2) and the declaration/agreement signed by respondents No.2 and 3 (Annexure P-3) for receiving fee for consultancy services which was non-refundable. It is pointed out that both the complainants changed their minds. Present petitioner had prepared their case as per agreed terms. Petitioner has not cheated complainants. In fact, the said amount was non-refundable fee.

4. Bail petition is opposed by learned counsel representing State assisted by learned counsel for complainant. Status report is also filed. The allegations levelled in the complaint were confirmed. It is submitted that during enquiry, it was found that petitioner had received Rs.7,60,500/- from the complainants but thereafter, neither their *Visa* was procured nor the amount was returned. Therefore, petitioner is not entitled to be released on anticipatory bail.

5. I have considered the arguments and have gone through the record. Petitioner was granted interim bail vide order dated 30.05.2024 and in pursuance of this, petitioner has already joined investigation. Learned counsel for petitioner claimed that said amount of Rs.7,60,500/- was received by petitioner as non-refundable charges for processing their case whereas this fact is denied by complainants. Matter in controversy can be

decided during trial. Petitioner has already joined the investigation, therefore, without expressing my mind on merits of the case, interim bail already granted in favour of petitioner vide order dated 30.05.2024 stands confirmed subject to the conditions enshrined under Section 438(2) Cr.P.C.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

16.12.2024
Sunil Devi

(AMARJOT BHATTI)
JUDGE

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