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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-28199-2024

Date of decision: 05.12.2024

RAHUL KUMAR

....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

....Respondents

CORAM: HON'BLE MRS. JUSTICE **AMARJOT BHATTI**

Present: Ms. Gurpreet Kaur, Advocate
for the petitioner.

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

Mr. Ajay Kumar, Advocate for
Mr. Jagpal Singh, Advocate
for respondent No.2/complainant.

AMARJOT BHATTI, J.

Petitioner-Rahul Kumar has filed the present petition under Section 438 of Cr.P.C., for grant of anticipatory bail in FIR No.46, dated 19.04.2024, under Sections 406 and 420 IPC, Section 24 Immigration Act registered at Police Station NRI, District Amritsar.

2. As per facts of the case, Samund Singh filed written complaint that his son namely Ajmer Singh, Gurpreet Singh s/o Kawaljit Singh and Satwinder Singh s/o Gurdayal Singh were good friends and they wanted to go abroad i.e. to Australia. They came in contact with agent Rahul Kumar. Rahul Kumar disclosed that he along with his maternal uncle Tajinder Singh and Gagan Joshi had sent several persons abroad Deal was stuck for a sum of Rs.25 lakhs and they took their aadhar card and passports. Initial amount of Rs. 6,70,000/-, was deposited in the account of Rahul Kumar

and Rs.1 lakh was given in cash. Rest of the money was given on arrival of



visa. In February, 2023, accused told them that their online visa has arrived and demanded more money. Gurpreet Singh changed his mind for going abroad. Money already paid by Gurpreet Singh was adjusted. They checked their visa online and they came to know that visa was fake and accused had cheated them.

3. Learned counsel for the petitioner argued that matter has been compromised with Samund Singh and this fact was confirmed by the learned counsel representing the complainant. He has already joined the investigation in pursuance of order dated 30.05.2024 and he is still ready to abide by the terms of bail order. Therefore, his anticipatory bail may be confirmed.

4. Bail application is opposed by the learned counsel representing State. It is pointed out that matter was compromised with Samund Singh. However, there are two other victims with whom no compromise has been effected. There is record of the Bank regarding transfer of money by the parents of the said boys to the petitioner. Petitioner neither sent them abroad nor returned their money. He joined the investigation but did not cooperate. It is pointed out that custodial interrogation of the petitioner is required. Necessary record is to be collected. Therefore, he is not entitled to be released on anticipatory bail.

5. I have considered the arguments and have gone through the record. It is rightly pointed out by learned counsel representing State that apart from the complainant Samund Singh there are two other victims who had equally contributed money for going abroad. In the status report, there is reference of detail of amount which was transferred from the account of Samund Singh, Satwinder Singh, Gurmej Singh and Gurdial Singh. There



investigation but did not cooperate.

6. In the light of this, I do not find it a fit case for grant of anticipatory bail and the same is accordingly declined and the interim bail already granted stands vacated.

(AMARJOT BHATTI)
JUDGE

05.12.2024
monika

- 1. Whether speaking/ reasoned : Yes /No
- 2. Whether reportable : Yes /No