



CRM-M-30470-2024

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.210

Case No. : CRM-M-30470-2024

Date of Decision : July 02, 2024

Sukhwinder Singh Dhaliwal Petitioner

vs.

State of Punjab and another Respondents

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Pankaj Bali, Advocate
for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

* * *

GURBIR SINGH, J. :

1. Prayer in this petition, filed under Section 438 Cr.P.C., is for grant of anticipatory bail to the petitioner in case FIR No.55 dated 16.03.2024, under Sections 406, 420, 419, 465, 467, 468, 471 IPC and Section 13 of the Punjab Travel Professionals (Regulations) Act, 2014, registered at Police Station Division No.8, Jalandhar.

2. The FIR in question was registered on the complaint of Pardeep Kumar and five others against the petitioner for committing fraud of Rs.25 lakhs on the pretext of sending them abroad and for not returning their money and passports. As per the allegations, on the representation of petitioner and his wife namely Seema, a sum of Rs.5 lakhs each was demanded from all of them and deal was settled, as per instructions of Seema, at Rs.15-16 lakhs, which was deposited in the account told by

**CRM-M-30470-2024****-2-**

Seema. Again, petitioner and his wife took a sum of Rs.8 lakhs when they came to Jalandhar. The said amount was received by Seema along with original passports of the complainants. Thereafter, petitioner and Seema gave copy of visa and tickets for five persons to the complainants but on verifying, they were found to be fake. She had also told to the complainants that the sixth person namely Pardeep would be sent to Ukraine and she took Rs.3 lakhs from him. On the complaint made by the complainants, inquiry was conducted. During inquiry, it was found that sum of Rs.1 lakh was paid by Pardeep to the petitioner, as per instructions given by Seema. Following him, other five complainants, who were also interested in settling abroad, approached the petitioner and Seema. The petitioner demanded Rs.5 lakh each from them for settling them abroad. Their medical examination was got conducted by the petitioner from Star Health Care Lab, opposite Civil Hospital, Jalandhar, for which he took Rs.3800/- per person i.e. a total sum of Rs.19,000/- in cash and thereafter, the petitioner through his mobile whatsapp number, sent copies of visas of Serbia, on the mobile numbers of all the complainants. Thereafter, the complainants deposited Rs.1,50,000/- cash in the aforesaid account, as per the instructions of Seema. Their tickets were sent on their whatsapp numbers by the petitioner. Different amounts on different dates were deposited by the complainant party on the instructions of Seema – wife of the petitioner. Thus, a total amount of Rs.12,34,000/- was transferred by the complainants on different dates and with different modes in the account number, as per instructions of the petitioner and his wife Seema. More than Rs.8 lakhs was paid in cash to the petitioner and his wife. On verification, it was found that the tickets which



were sent by the petitioner, were fake. The petitioner, by sending one photo on whatsapp, also demanded Rs.80,000/- from Pardeep Kumar, which were paid in cash to the petitioner.

3. Learned counsel for the petitioner has argued that the petitioner was working as an office boy in the office of CIS Consultancy in Dana Mandi, Ludhiana, run by Parminder Singh, resident of Kapurthala and Ram Kishan, resident of Gobindgarh. The petitioner worked there for four months and thereafter, he started doing the work of scrap trader and now, he has no connection with the aforesaid two persons. The complainant party, along with other persons, attacked the house of the petitioner on 20.04.2022 and demanded money, which was paid in lieu of sending them abroad. The wife of the petitioner told them that the petitioner was working as office boy with the above mentioned two persons but he was not aware about the whereabouts of the said persons. It has been further submitted when those two persons were not traceable by the complainant party, they started making pressure upon the petitioner to return their amount and also started giving threats to him. The petitioner moved **CRWP No.4136 of 2022** to provide protection to his life and liberty, which was allowed by this Court vide order dated 02.05.2022, with direction to Director General of Police, Punjab, to decide the representation of the petitioner, by passing a speaking and reasoned order. Thereafter, threats from the complainant party became more severe. The petitioner moved application bearing **CRM-W No.810 and 811 of 2022** before this Court and this Court was pleased to pass order dated 12.07.2022, thereby providing adequate security to protect the life of the petitioner. It has been further apprised to this Court that the petitioner



filed a suit for recovery and one complaint under Section 138 of the Negotiable Instruments Act against aforesaid Ram Kishan. In the complaint, Ram Kishan has been declared proclaimed person. FIR No.81 dated 04.05.2023, under Sections 406, 420, Police Station City-2 Khanna, District Khanna was also got registered by the petitioner against Ram Kishan. The petitioner worked CIS Consultancy for a short period and he has been victimized at the hands of owners of the said Consultancy. It has been further brought to the notice of this Court that out of six cases registered against the petitioner, three have already been disposed of. Two FIRs have been quashed on the basis of compromise and in one case, cancellation report has already been submitted.

4. On the other hand, learned State counsel, while opposing the petition, has submitted that the case was registered against the petitioner after thorough inquiry. Specific allegations have been levelled against the petitioner and his wife. The amount was transferred in the bank account, number of which was conveyed to the complainants by the petitioner and his wife and said fact stood proved from the account statement received from the bank. Fake visas and fake tickets were sent by the petitioner. Therefore, custodial interrogation of the petitioner is necessary and he does not deserve the concession of anticipatory bail.

5. I have heard the arguments advanced by learned counsel for the petitioner and learned State counsel.

6. The allegations against the petitioner are specific and quite serious. The petitioner has tried to play with the lives and future of poor youngmen. They deposited the demanded amount in the account in the

name of Ram Kishan. During inquiry, it has transpired that the said account was being operated by the petitioner himself. The petitioner has himself submitted that the complainants had come to his house, demanding money received by the petitioner for sending them abroad. If the petitioner is not involved in the crime, then the complainants would not have gone to his house risking their lives and filing of writ petition in this Court seeking protection of life and liberty is not a ground to consider that the petitioner has no role to play in this case. The case is at the investigation stage. FIR has been registered after thorough inquiry. This Court is of the view that the custodial interrogation of the petitioner is necessary. It is well known when a person is equipped with a favourable order of anticipatory bail, then interrogation becomes a mere ritual.

7. Keeping in view the gravity of offence, nature of crime and its adverse effect on the society, I do not find it to be a fit case for grant of anticipatory bail. The present petition is without any merit and is accordingly dismissed.

8. Nothing observed herein above shall have any effect on the merits of the case.

9. Pending applications, if any, shall stand disposed of along with this judgment.

July 02, 2024

monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.