

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-31328-2024 (O&M)

Date of Decision: 10.07.2024

Sukhvir Singh Tatla @ Sukhbir Singh @ Sukha

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. CS Rana, Advocate for the petitioner

Mr. Rajiv Verma, DAG Punjab

Sandeep Moudgil, J.

Relief

(1). This petition under Sections 438 CrPC has been filed by the petitioner seeking anticipatory bail in case FIR No.48 dated 21.04.2024 under Sections 406/420 IPC registered at Police Station Dakha, District Ludhiana Rural.

Facts

(2). Facts as culminating in the FIR is reproduced as under:-

"I, Amritpal Singh son of Kulwinder Singh am resident of Village Kot Mana, Tehsil Jagraon, District Ludhiana and I do agricultural work. My uncle (chacha) Gurinder Singh alongwith his family resides in Australia and my uncle (chacha) Gurinder Singh alongwith his family had to come from Australia to India. Thus, I had contacted Sukh Online Service, G.T. Road, Mandi Mullanpur and had booked up-down air tickets from Australia for all four of them, but Sukh Thothar Proprietor of Sukh Online Service gave four tickets of journey from Australia to India to us and for return tickets he said that there is some fault in online internet service, therefore he shall give return tickets in next few days and he sent us bogus Pdf File of tickets and received Rs. 1,75,000/- from me but later on he got cancelled the return

tickets and kept the amount with him. On 10 March 2024 my uncle (chacha) Gurinder Singh alongwith his wife and two children came at India and they had to go back on 27 March 2024. When we tried to contact Sukh Thothar then his mobile phone was switched off. Accordingly, Sukh Thothar has committed fraud of Rs. 1,75,000/- with us. Requested that strict legal action be taken against above mentioned Sukh Thothar for receiving money from us for air tickets but not giving air tickets and our amount be recovered and returned to us please. I shall be highly thankful to you. Complainant: Sd/- Amritpal Singh..."

Submission by the petitioner

(3). Learned counsel for the petitioner contends that there is nothing to prove that the complainant paid Rs.1,75,000/- for booking four air tickets from the petitioner and also there is a delay of more than a month in registration of FIR as the alleged occurrence is of 10.03.2024 whereas FIR stands registered on 21.04.2024. He further asserts that there is sheer non-compliance of Section 41-A CrPC as no notice was issued to the petitioner by the investigating officer to join the investigation.

State's contention

(4). Learned State counsel opposed the prayer made by the counsel for the petitioner on the ground that the complainant has leveled serious allegations of cheating not only with him but with various other persons and duped them and gained more than Rs.50 lakhs and in regard thereto, as many as 27 other persons have also lodged similar complaints of cheating and fraud against the petitioner and as such, his custodial interrogation is very much required by the police.

Analysis

(5). The petitioner apparently runs a ‘travel agency’ and being owner of Sukh Online Service had allegedly got booked four air tickets to and fro India and Australia and allegedly obtained Rs.1,75,000/- from the complainant but in actuality, the tickets were booked only for one side but the amount received was for to and fro journey.

(6). Unfortunately, undesired travel agencies have emerged with the shift to the internet and as such, several fraudulent travel agencies are taking advantage of vulnerable consumers by pretending to be real travel agents or agencies having "legit websites", which even boasts of providing travel confirmations and itineraries for the ‘educated’ consumers. Such offline and online travel agency deceptions are ubiquitous leaving many victims with empty wallets and holidays in their dreamland and the present case is one such glaring examples of deception and fraud.

(7). Nevertheless, this Court is also not oblivious of the fact that 28 similar written complaints have been moved against petitioner for duping and forgery leaving no manner of doubt that the custodial interrogation of petitioner would be required to probe into the facts and the *modus operandi* of such fraudulent business.

(8). Dismissed.

10.07.2024
V.Vishal

(Sandeep Moudgil)
Judge

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes/No
Yes/No