

2024 PHHC 120075



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

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**CRM-M No.31790 of 2024
Date of Decision: 10.09.2024**

Jatinder Singh alias Fauji

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ranjeet K Jaswal, Advocate,
for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. Prayer in the instant petition has been made for grant of regular bail in case arising out of FIR No.63 dated 06.04.2024 registered under Sections 406, 420, 467, 468, 471 and 120-B of IPC and Section 24 of Immigration Act at Police Station Khanna City-2, District Khanna, on the basis of a complaint lodged by the complainant Reena alleging therein that she came in contact with the co-accused Jaswinder Kaur a representative of Cost Way Immigration Visa Service, who had meet them in her office on 08.08.2023 and induced them to part with a sum of Rs.26 lakhs by assuring to send the daughter of the complainant to Australia. On this pretext, cash amount of Rs.4 lakhs along with ATM Card, Cheque Book, Passbook and Bank Kit had been taken by the accused Jaswinder Kaur and Harinder Singh from the complainant. Some

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online transfers were made in the accounts of Willows Institute Australia for the purpose of admission of daughter of the complainant in the said institute. However, subsequently, the accused Jaswinder Kaur told the complainant that the educational institute had refused admission of her daughter. A refusal letter was given to her which on making inquiries was found to be fabricated document. After registration of FIR, investigation proceedings were initiated. The petitioner who was partner of Cost Way Immigration to the extent of 15% was nominated as an accused. It was revealed during investigation that the petitioner and co-accused had duped many persons of huge amounts of money, by making inducement to send them abroad. The petitioner was arrested on 24.04.2024. An application for grant of regular bail as moved by the petitioner had been dismissed by the Court of learned Additional Sessions Judge, Ludhiana vide order dated 27.06.2024.

2. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of some forged partnership deed wherein one Jatinder Singh son of Harnek Singh has been shown as one of partners of Cost Way Immigration Company whereas name of father of petitioner is Tejinder Singh. He has never executed such partnership deed. He has nothing to do with Cost Way Immigration Company. The complainant did not name him and had levelled allegations only against three persons namely, Jaswinder Kaur, Gurpreet Singh Benipal and Teja Singh. No money was deposited in his bank account or received by him infact as per the investigation, it was deposited in the bank account of Teja Singh. The trial is likely to take time. The subject offences are triable by Magistrate. His custodial interrogation is not required. No useful purpose

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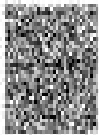
would be served by detaining the petitioner in custody any more. Therefore, it is urged that he deserves to be released on bail.

3. Status report has been filed by the respondent-State. Learned State counsel has argued in terms of this report that there are serious allegations against the petitioner who in connivance with the co-accused had duped the complainant of huge amount of money on the pretext of sending her daughter abroad. During investigation, the complicity of the petitioner in the commission of subject offences has been established despite the fact that the name of his father is not correctly mentioned in the partnership deed, it is he only who had conspired with the co-accused to commit the offences of cheating and usurping the money from innocent public persons. He has criminal antecedents as two more cases of similar nature have already been registered against him. The complainant is yet to be examined. There are chances of his absconding and intimidating the witnesses if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

4. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record.

5. The petitioner is alleged to have hatched a criminal conspiracy with the co-accused and he being partner of Cost Way Immigration Visa Service to the extent of 15% share is alleged to have duped the complainant, in conspiracy with the co-accused of a sum of Rs.4,52,000/-. He has criminal antecedents. The co-accused Gurpreet Singh Benipal and Jaswinder Kaur are absconding and are yet to be arrested. The challan against the petitioner and co-accused Teja Singh and Harinder Singh has since been presented. Trial has commenced against them. There is nothing to show that there would be

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any undue delay in conclusion of the trial. The allegations against the petitioner are quite serious in nature. Keeping in view the severity of the allegations, his criminal antecedents, the fact that the complainant is yet to be examined and the apprehension that the petitioner might abscond cannot be stated to be unfounded. I am of the considered opinion that the petitioner does not deserve to be extended benefit of bail at this stage. Hence, the petition is dismissed.

6. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

10.09.2024
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(MANISHA BATRA)
JUDGE

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