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question was registered on 09.01.2024; it is also a matter of record that the petitioner had already flown out of India, prior thereto on 04.01.2024 to Dubai and returned only on 12.04.2024, through Nepal. Hence, the submission made by learned counsel for the State that the petitioner had fled away after the trial court dismissed his petition under Section 438 Cr.PC on 10.07.2024 vide Annexure P-4 is factually incorrect.

3. Learned State counsel assisted by counsel for the complainant has, however, vehemently opposed the prayer and submissions made by the counsel opposite by drawing the attention of this Court to the allegations levelled in the FIR, which is reproduced herein under, asserting that a fraud had been played by the petitioner on the pretext of sending the nephew of the complainant USA:

*“Sir, Requested that I, Joginder Singh son of Tarlok Singh am resident of House No. 408, Bharat Nagar, Pathankot and I have retired from Revenue Department as Kanungo. My nephew Jagmeet Singh was staying with me since childhood and I was taking care of him and I had provided education to him. My nephew Jagmeet Singh wanted to go abroad for work. I came to know that agent **Parminder Singh** son of Balvir Singh and his wife Balwinder Kaur residents of Mohalla Singhpura, VPO Kahnuwan, District Gurdaspur do work of sending people abroad. In respect to which I had spoken with **Parminder Singh** in October, 2023 on phone and after few days he alongwith his wife visited my house at Bharat Nagar Pathankot and he said to me that he shall send my nephew directly to America and cost for this work shall*



be Rs. 45,50,000/-. I said to him that I do not want to send Jagmeet Singh through donkey route. Then **Parminder Singh's** wife Balwinder Kaur said that we shall send Jagmeet directly by flight. I trusted their assurances and gave nod and they collected my nephew Jagmeet's passport and Important documents and said that you have to pay Rs.15,00,000/- in advance, you arrange the amount and we shall visit you after few days. In November 2023 itself **Parminder Singh** took took my nephew to Delhi and **Parminder Singh** said to me that we have booked your nephew Jagmeet Singh's flight from Delhi to Guyana and he demanded money from me. On dt. 03.12.2023 **Parminder Singh** and his wife Balwinder Singh visited my house at Pathankot and demanded Rs. 15,00,000/- and I paid Rs. 15,00,000/- to **Parminder Singh** in presence of Jagpal Singh Fauji of my village. On dt. 14.12.2023 my nephew made phone call to me and said that agents are sending us from Columbia to America vide Panama and we have refused to agents but they are saying that we shall send you through this route only. My nephew sent his location on whatsapp number of Yashpal Singh. Thereafter, on dt. 19.12.2023 my nephew Jagmeet Singh had spoken to me last time and since then his phone call has not come. I made phone calls to agent **Parminder Singh** but he stopped answering my phone calls. Then we visited his house but his house was locked. I again contacted him on phone and he said that your nephew has disappeared in the forests of Panama and I am trying to find him. But I have come to know that agent



Parminder Singh and his wife ***Balwinder Kaur*** are trying to flee abroad and they have also got issued new Passport No. 27641614 from Ghaziabad. Agent ***Parminder Singh*** son of Balvir Singh and Balwinder Kaur wife of Parminder Singh residents of Mohalla Singhpura, VPO Kahnuwan, District Gurdaspur received Rs. 15,00,000/- advance from me on the pretext of sending my nephew Jagmeet Singh to America but instead of sending my nephew to they have made him disappeared in the forests of Panama. Necessary legal action be taken against them. Thank you. Complainant: Sd/- Joginder Singh”

4. Learned State counsel has also drawn the attention of this Court to para 3 of the reply filed by the State and submitted that the petitioner’s custodial interrogation is required as the nephew of the complainant is missing and despite being continuously approached by the complainant to find out the whereabouts of his nephew, the petitioner was evasive and had thereafter become untraceable, for reasons but obvious. Learned State counsel further submits that it is common knowledge that on account of the lure of overseas jobs, innocent and vulnerable people are being taken for a ride by unscrupulous travel agents like the present petitioner. It has also been brought to the notice of this Court that no doubt, FIR was registered on 09.01.2024 that the petitioner, though, a resident of Punjab, went all the way to Ghaziabad in Uttar Pradesh, where he then managed to obtain a passport in his name on 03.01.2024, and on the following day itself flew out of India as he was conscious that he had played a huge fraud on the complainant. A Lookout Circular (LOC) qua



him was also issued on 10.01.2024. It has still further been submitted that strangely, the petitioner flew out of India for Dubai and then to Thailand, and came back on 12.04.2024 through Nepal by road, which clearly raises eyebrows. It has been still further submitted that custodial interrogation of the petitioner is necessitated in the instant case in order to ascertain the entire *modus operandi* of such unscrupulous travel agents, and more importantly to trace out the nephew of the complainant. Hence, learned State counsel prays for dismissal of the present petition.

5. Heard learned counsel for the parties and perused the relevant material available on record.

6. *Prima facie*, there are specific and serious allegations levelled against the petitioner of defrauding the complainant by falsely promising to send his nephew abroad on a direct flight, and instead webbing him into illegal means to enter the United States. The complainant's nephew has been untraceable for the past 8 months, and as apprised by the learned State counsel, the petitioner is not even cooperating in the said investigation.

7. It is common knowledge that there is a concerning rise in travel agent frauds in Punjab, where individuals are duped with false promises of secure travel abroad, often leading to illegal and dangerous situations. Given the severity of the allegations levelled against the petitioner and the increasing frequency of such crimes in the State of Punjab, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner. Accordingly, the present petition stands dismissed.



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8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

12.08.2024
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/non-speaking?	Yes/No
Whether reportable?	Yes/No