

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

2024:PHHC:157090



(208)

CRM-M-44335-2024
Date of Decision: 27.11.2024

Sarbjit Singh Walia --Petitioner

Versus

State of Punjab --Respondent

CORAM:- HON'BLE MR. JUSTICE GURVINDER SINGH GILL.

Present:- Ms. Navjot Kaur, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab assisted by
ASI Malkit Singh.

FIR	Dated	Police Station	Sections
51	24.03.2024	Division No.6, Police Station Commissionerate, Jalandhar	420, 406, 120-B of IPC and Section 13 of Punjab Travels Professional Regulation Act, 2014.

GURVINDER SINGH GILL.J (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of the
aforementioned FIR.
2. The FIR was lodged at the instance of Harjinder Singh, wherein it is
alleged that since he wanted to settle abroad, the petitioner had
introduced him to Raman Kumar, Saroj Bala and Karamvir, who were
running a Travel Agency by the name and style of Jai Baba Lal Dayal
& Sons. It is submitted that such persons assured that complainant
and other members of his family will be got issued work permit in
lieu of an amount of Rs.30 lakhs. As per the complainant, an amount
of Rs.14 lakhs was paid to the accused including an amount of Rs.6
lakh which had been handed over to the petitioner.

3. Learned counsel for the petitioner submitted that petitioner has falsely been implicated in the present case and even if the allegations are taken to be correct, the only role attributed to the petitioner is of having introduced the complainant to the co-accused, who were dealing in the business of sending people abroad. It is further submitted that though an amount of Rs.6 lakh is stated to have passed through the hands of petitioner but admittedly an amount of Rs.5.5 lakh has already been returned back. It has further been submitted that the petitioner has a clean record and is not involved in any other case.
4. Learned State counsel has opposed the petition on the ground that petitioner has been specifically named in the FIR.
5. This Court has considered the rival submissions. In the reply filed by the State there is a specific reference to the fact that an amount of Rs.5.5 lakh has already been returned to the complainant. Paras 7 and 8 of the reply are reproduced hereunder:-

“7. That the petitioner's claim of returning of Rs.5,50,000/- to the complainant appears to be correct. As per Zimni No.8 dated 28.08.2024, the investigation officer ASI Malkit Singh No.515 CIA Staff Commissionerate Jalandhar made a call to the complainant to summon him to the CIA Staff branch for recording statement in relation to investigation. However, the complainant refused to appear on the ground that he is out of station. Further, at the same time the complainant verbally confirmed that he have 6 lacs to the petitioner and the petitioner has returned Rs.5,50,000/- out of 6 Lacs and only Rs.50,000/- is outstanding. Also, as per Zimni No.9 dated 05.09.2024, the investigation officer ASI Malkit Singh No.515 CIA Staff Commissionerate Jalandhar again invited the complainant to CIA Staff branch for recording statement in

relation to investigation and once again the complainant refused to appear on the ground that he is out of station.

8. STATEMENT OF COMPLAINANT QUA PAYMENT MADE TO PETITIONER

*1) That on 17.09.2024, the complainant came present in CIA Staff branch for recording statement concerning the averments made against Raman Kumar, Saroj Bala, Karanvir and the present petitioner wherein he reiterated his facts mentioned in the FIR No.51 dated 24.03.2024. However, the complainant deposed that out of Rs.6,00,000/- given to the present petitioner the complainant has received back Rs.5,45,000/-. A true translated copy of the statement U/s 161 is annexed herewith as **Annexure R-1.**”*

6. Having regard to the facts and circumstances of the case and while bearing in mind that it is the co-accused, who were stated to be Travel Agents and while also noticing that the petitioner otherwise enjoys a clean record and that an amount of Rs.5.5 lakh out of the amount of Rs.6 lakh, which had passed through the hands of the petitioner, has already been returned, this Court is of the opinion that the petitioner can be extended the concession of anticipatory bail.
7. The petition, as such, is accepted and the petitioner in the event of arrest is ordered to be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

(GURVINDER SINGH GILL)
JUDGE

27.11.2024

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No