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

Sr. No.214

**CRM-M-49198-2024 (O&M)
Date of decision : 14.11.2024**

Amarjit Singh @ Kali

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Satish Chaudhary, Advocate, for the petitioner.

Mr. R.S. Thind, DAG, Punjab.

Mr. G.S. Virk, Advocate, for the complainant.

KIRTI SINGH, J. (Oral)

1. Apprehending arrest in case FIR No.90 dated 02.09.2024 under Section 420 IPC and Section 24 of Emigration Act, 1983, registered at Police Station Jodhewal, District Ludhiana, the petitioner has preferred this petition under Section 438 Cr.P.C. for grant of anticipatory bail.

2. The translated version of the FIR reads as under:-

“Content of FIR: PGD No 352660, Complaint No: 352182 date 18.05.2024 Division Kailash Nagar Road, Ludhiana against Amarjit Singh son of Nirmal Singh resident of house number 333, AB street number 12 Janta Colony Road Jandhewal Basti Ludhiana through post police station went to Mosul to register a case. Description of the application like this, Mr. Hon'ble Commissioner of Police Sahib Ludhiana Subject: Agent from Portugal (Chief) Didhe Bedar 12,75,000 PG to his Mahabharu Bhuth CP rate reduced. I of me, hereby request that I, Jatin Mehmi S/O Sam Lal resident of New Jaspal Kachini Gali No. 1, Kailaj Nagar Road, Ludhiana. If there is a problem about 2 years ago that I went abroad in the name of

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Sim:7696777779 and said Perand, supitai vi tu rest VJ and go abroad. Come, I will send you 7 work permits in Portugal and your bed 14,00,000 samiti ke toot chine mein kare na ve news 33 7,00,000/ 7,00,000/ and trust it. And he said I and he said I will send you to Portugal in 3 months. But he didn't take care of me, and continued to drool and it hurt me a lot. I wasted some money, I had borrowed money from people, I died while paying the interest and more debts were piled on my head. About 2 months back sol shibhai vijvi medi 1 bhagi mand 9 if not i will take action then he gave me 1,25,000 mod and promised to pay the rest amount in 15 days. But I have not refunded the amount yet. That now when I am so-and-so, then this is born in my neck and quarrels with me and threatens to kill me and says that I am friends with badmasha, so I will kill you and kill you, I BJ I am a man of P, nothing can ever spoil me. So, I request you to take immediate legal action against the said Debi. And my money should be returned and my life and property should be protected. I will be very grateful to you. Yours faithfully, Satin Mehmi, SE No. 7528851381, the said application was investigated by the In-charge, AHT Unit, Ludhiana, who wrote in his report that the investigation conducted so far and That the victim was desirous of going to BHDC 01, Belgad, Bhandi Ped, P. Vaidesh port, the application was told by his friend Rahul about the travel agent Amarjit Singh: 7 Singh Kali Baldev Nagar Rahe Road, District Ludhiana and the application Jatin Mehmi dated May In 2022, I visited its office at Raja Sahib Inter, New Kuldeep Nagar Basti Jathewal, Ludhiana and met him with him for his foreign mission work but bid to go. Takhechal Atisindh Diset told about the expenditure of Rs. 14,00,000. With which petitioner Jatin Mehmi agreed. On the same day, petitioner Jatin Mehmi paid Rs.2,00,000 in cash to travel agent Amarjit Singh in his office for his original passport and other related documents and file expenses. The petitioner has not produced any documentary

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evidence. done After that, according to the travel agent, the applicant deposited Rs 38,500 on 3rd September 2022 to his phone number 76067-77779 but the applicant did not deposit Google Pay in his account. This is that Amit Bhavni Sindhi along with Bhayabhi also da Videsh Nerve's tourist visa beach 2128 2022 ke hai vi Bhidi 16 va 2022. After obtaining a foreign tourist visa, Jatin Mehmi applied for her bank account number 2505000101252171 according to the travel agent Amjarit Singh. Ne Riti Chala should tell the Samsabhala from 3,00,000. On 31 October 2022, the application was sent to Jatin Mehmi and the foreigner details were sent to Drist VJ. However, the opposition party did not send the application to Jatin Mehmi abroad for work VJ from Norway to Portugal. If this visa is valid for 21 days, the applicant returned to India on 05 November 2022. The application regarding the transfer of the application is a photocopy of the photocopy of the visa dated 26-10-2022 to 16-11-2022 on the passport of Jatin Mehmi. When the petitioner talked to the opposite party about going abroad to Portugal, the travel agent Amarjit Singh said that he would send him abroad to Portugal through Hungary. With which the application is divided again in the middle of 29 and 2022 28,000 Aisi Bhabhadechi M and Sari Bhade 2,00,000 Vridhare Bhi Dev Jae Bish Ugah Ban Si Diwas At Bheed Minth Se Rit Par Sachichin Heem Hi. 46,135 from Kshem Led. Submitted on 30-3-2023. A few days after that, the opposition travel agent Amarjit Singh Kali told the petitioner that he had received a refugee from Hungary abroad, so he was forced to pay that Bhd 13,52,000 instead of Bhim 1,25,000. 1,75,000 sudhre se jame se hinsire dharti ke vidhansabhi vijepi piu's account returned due to lack of money in the account of the previous apathi thakar. 6,53,000 rupees in the bank account of the petitioner regarding the remittance of the petitioner abroad Earned in your account. The application for obtaining this amount and the opposite party's bank statement are the full

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Report. Out of this amount, the opposite party has returned Rs.1,25,000. Apart from this, the petitioner has asked the opposition to pay Rs 7,00,000 in cash to Amarjit Singh regarding his going abroad. In this regard, the petitioner could not submit any documentary evidence. In this way, the opposite party Amarjit Singh alias Kali son of Nirmal Singh resident of House No. 333, A. B. Street No. 12, Janata Colony, Ranho Road Jodhewal Basti Ludhiana has been exposed to fraud of Rs. 5,74,135 regarding sending the applicant abroad to Portugal. Therefore, against the opposite party, Amarjit Singh alias Kali son of Nirmal Singh, resident of House No. 333, AB Street No. 12, Janata Colony, Rahe Road, Jodhewal Basti, Ludhiana, dated 1-7-2024 and being the first, 420, I.PC and under 24 Immigration Act recommended to file a case against Bana Basti Jodhewal District Ludhiana and sent the report to the service of Hon'ble Assistant Commissioner of Police, Local Ludhiana. Hon'ble Assistant Commissioner of Police, Local Ludhiana prepared his separate report and sent it to the service of Hon'ble Additional Deputy Commissioner of Police, Local Ludhiana. The Honorable Additional Deputy Commissioner of Police, Local Ludhiana Ludhiana, while agreeing with the report, wrote in his investigation report that the investigation of the above application was processed by the Assistant Commissioner of Police, Local Ludhiana. who in his investigation report filed against Amarjit Singh son of Nirmal Singh resident of House No. 333, A. B. Gali No. 12, Janata Colony, Rahe Road Jodhewal Basti Ludhiana under section 420, IPC and 24 Immigration Act. It has been recommended to file a case at Basti Jodhewal District Ludhiana. Which I agree with. It is recommended to file a lawsuit, g. Correct/- Additional Deputy Commissioner of Police, Local Ludhiana Ludhiana Who sent the report to the service of Hon'ble Deputy Commissioner Police Investigation Ludhiana ji | Hon'ble Deputy Commissioner Police Investigation Ludhiana ji agreed

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with the report and sent the report to the service of Hon'ble Commissioner Police Ludhiana ji. However, Hon'ble Commissioner of Police Ludhiana wrote SHO Jodhewal for NAction. Today, the police station has sent the request for further investigation to the control room, but Bajria wireless has been notified. The said Mosul, but the case was registered against the accused Amarjit Singh for the said crime. The original application along with the attached document is a copy of the FIR”

3. Vide order dated 01.10.2024 passed by this Court, the parties were directed to appear before the Mediation & Conciliation Centre of this Court to explore the possibility of amicable settlement.

4. Report dated 04.10.2024 has been received and as per the said report of the Mediator, the parties failed to settle the dispute.

5. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case. The petitioner, who is engaged in small business of hosiery, is himself a victim of breach of mutual trust at the hands of the co-accused Sunny who run immigration agency. He further submits that money in dispute which was transferred through cheque to the account of the petitioner, stood transferred through IMPS Google pay mode in the account of the account of the co-accused Sunny and the petitioner did not derive any benefit out of the said transactions.

6. *Per contra*, learned State counsel as well as counsel for the complainant has opposed the petition.

7. Learned State counsel has submitted that preliminary enquiry on the above noted application of the complainant was conducted by the Incharge, Anti Human Trafficking Unit, Ludhiana during which both the

parties were joined in the enquiry and their respective statements were

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recorded. Relevant record was also compiled and which revealed that the complainant was desirous to go abroad and in this regard he met the petitioner who allured the complainant to send him to Portugal on work permit. The complainant gave his passport and other documents and Rs.2.00 Lacs in cash as filing expenses. Thereafter, the petitioner instead of arranging a visa for Portugal, arranged a tourist visa of Norway for about 21 days w.e.f. 26.10.2022 to 16.11.2022 for the petitioner and received a sum of Rs.5,86,500/- in bank account No.336405500282 of ICICI Bank on 21.10.2022. As the complainant's tourist visa was for about 21 days, thus, the complainant came back to India and no further arrangement was made to send the complainant to Portugal. Thereafter, neither the petitioner arranged any visa for work permit to the complainant nor returned his money. However, only a sum of Rs.1,25,000/- was returned by the petitioner to the complainant, thus, the petitioner has committed a fraud of Rs.5,74,135/- with the complainant under the garb of sending him abroad. He further submits that the above noted enquiry report of the Incharge was further examined and verified by the ACP-HQ, then by the ADCP-HQ, then by the DCP-Investigation and finally the same was approved as well by the Commissioner of Police, Ludhiana. Accordingly, FIR No.90 dated 02.09.2024, u/s 420 IPC, 24 of Emigration Act, P.S. Jodhewal, Ludhiana was registered against the petitioner. In view of the serious allegations against the petitioner, he is not entitled to the concession of anticipatory bail.

8. Heard the rival submissions made by learned counsel for the parties.

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9. There are serious allegations leveled against the petitioner who is an accused for committing a fraud of Rs.5,74,135/- with the complainant under the garb of sending him abroad. To unearth the true dimensions of the alleged crime, the police requires custodial interrogation of the petitioner in this case.

10. In recent times, the Courts have been flooded with similar litigation where innocent families have been financially exploited on the promise of sending them abroad. Courts have often flagged the seriousness of such offences due to the financial and emotional harm caused to the families.

11. In view of the aforementioned facts & circumstances of the case as well as submissions made by learned counsel for the State, this Court does not deem it appropriate to interfere in the matter so as to grant the concession of anticipatory bail to the petitioner at this stage.

12. The petition is accordingly dismissed.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

14.11.2024
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No