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

220

CRM-M No.56367 of 2024
Date of Decision: 12.12.2024

Amit Kumar ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Preetinder S. Ahluwalia, Advocate,
for the petitioner.

Mr. Satjot Singh, AAG, Punjab,
for the respondent-State.

Mr. S.K. Singla, Advocate,
for the complainant.

***

<u>MANISHA BATRA, J. (Oral)</u>

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking regular bail in the FIR mentioned below:-

FIR No.	**Dated**	**Police Station**	**Sections**
28	25.06.2024	City Ahmedgarh, District Malerkotla	420, 465, 467, 468, 471 and 120-B of IPC

2. As per the prosecution case, the complainant Daljit Singh lodged a complaint alleging therein that he was owner of Global Travels which was engaged in the business of selling Air Tickets. From past few months, he had been buying air tickets for his customers from accused

Amit Kumar i.e. the present petitioner and co-accused Harpreet Singh. Air tickets worth Rs. 1,50,00,000/- had been purchased by him from the present petitioner and above accused and the amount due was deposited in their respective bank accounts. The complainant alleged that fifty of such air tickets which had been purchased by him for his customers, from the present petitioner-Amit Kumar and accused Harpreet Singh, were found to have been got cancelled by them subsequently. The customers came to know about this fact when they reached at the airport and it was revealed that whole of refund amount of those tickets had been taken on the day of purchase itself. His customers were compelled to purchase tickets at much higher prices and the complainant was made to give refund of the amount paid by the customers, from his own pocket. The complainant contacted the present petitioner and accused Harpreet Singh who while admitting their wrong, promised to make good the loss by returning the amount given to them for purchase of tickets but subsequently refused to do the same, while extending threats. The complainant suffered loss to the tune of Rs. 60,00,000/- and his business reputation had also been lowered down due to act and conduct of the present petitioner-Amit Kumar and accused Harpreet Singh.

3. As per the allegations, FIR was registered. Investigation was initiated and it was revealed that the present petitioner-Amit Kumar and accused Harpreet Singh @ Gurwinder in connivance with each other, had sold 120-125 tickets to the complainant. The amount of those tickets which

was Rs. 1,17,20,000/- had been deposited by the complainant in the bank account of ‘World Wide Travels’ run by accused Harpreet Singh @ Gurwinder. These accused subsequently got cancelled tickets worth Rs. 46,00,000/- and also forged some air tickets and had not given twenty seven air tickets thereby causing huge loss of money to the complainant. It was also revealed that the accused Harpreet Singh was also conniving with the accused Kulwinder Singh and an amount of Rs. 1,30,000/- had been deposited in the joint bank account of accused Harpreet Singh and Kulwinder Singh, out of the amount paid by the customers of the complainant/complainant. The petitioner had moved an application for grant of regular bail, which was dismissed by the Court of learned Additional Sessions Judge, Malerkotla vide order dated 24.10.2024.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He has never worked with any of the firms which have been named by the complainant nor he has remained office holder of any such firm. He has no association whatsoever with these firms. Neither his phone number nor his bank account have been used for the purpose of making any payment by the complainant or any other person. The mobile phone number with which transactions of money have been allegedly made in favour of the petitioner, has not been connected with him at any point of time. Rather the said number shows the name of one Gagandeep Singh/Gagandeep Saini on "G-Pay". The allegations as levelled in the FIR, even if considered to be correct, do not make out any case for commission of

offences of cheating, forgery or criminal breach of trust as against the petitioner. His custodial interrogation is no more required. Challan has been presented. Trial is likely to take time. His further detention would not serve any useful purpose. The co-accused has been extended benefit of bail. With these broad submissions, it is urged that the petition deserves to be allowed.

5. Status report has already been filed by the respondent-State. In terms thereof, the learned Assistant Advocate General, Punjab assisted by learned counsel for the complainant has argued that there are serious and specific allegations against the petitioner who in connivance with the co-accused was actively involved in commission of subject offences and had cheated not only the complainant but several other persons by selling them air tickets at the first instance but getting them cancelled subsequently and misappropriated the amount received by way of refund and converted the same to his own use. He is a habitual offender since as many as four other cases of similar nature, have been registered against him. There are chances of his absconding or committing similar offences, if extended benefit of bail. The trial is going on at a proper pace. Gravity of the allegations is an important factor for not extending benefit of bail to the petitioner. Therefore, it is urged that the petition does not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length and have gone through the record.

7. As per the allegations, the complainant Daljit Singh who himself is running a travel agency and was engaged in the business of selling

air tickets, used to purchase air tickets from the petitioner and had purchased such tickets of the value of Rs.1,50,00,000/- from him during the period of two months prior to lodging of the FIR. Subsequently, it was revealed that 50 fake air tickets had been issued by the petitioner. It was also found that the petitioner had got the tickets purchased on behalf of the complainant, cancelled subsequently and misappropriated the refund amount. Sufficient evidence has been collected during the course of investigation to show that the Google Pay account through which payments were made was connected with a phone number which was used by the petitioner. The petitioner has criminal antecedents. Investigation is still going on. He is kingpin of the conspiracy hatched with the co-accused to cheat the complainant and other public persons and to commit fraud. Keeping in view the nature of the allegations as levelled against him, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, this Court is of the considered opinion that the petitioner does not deserve to be extended benefit of bail. Accordingly, the petition stands dismissed.

(MANISHA BATRA)
JUDGE

12.12.2024
manju

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