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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 65103 of 2023

Date of Decision:-18.01.2024

BALVIR SINGH ALIAS MINTU ALIAS MATTU

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Satnam Singh Thakur, Advocate,
for the petitioner.

Mr. Harpreet Singh, Addl. AG, Punjab.

SANJIV BERRY, J (ORAL)

By way of the present petition filed under Section 438 Cr.P.C the petitioner is praying for anticipatory bail in the event of arrest in FIR (Annexure P-1) detailed as under:-

FIR No.	Dated	Sections	Police Station
92	03.09.2023	406, 420, 120-B IPC, 13 of Punjab Travel Professional (Regulation) Act, 2014	Bilga, District Jalandhar

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner is working as a teacher and had been helping the near by villagers in performing their paper work and in the process one

person approached him that he intends to send his daughter abroad by marrying to a person settled there and in the process the petitioner introduced him with the complainant who also require such girl to marry his son. He submits that on the request of both the families the petitioner introduced them to one Parlad Hussain resident of Mohali to facilitate sending the couple abroad and on the assurance given by him that girl will be sent on study visa and will later on call her husband to Canada. The complainant transfer ₹3,99,000/- for the purpose of making arrangements qua the marriage of couple and the families also paid amount of ₹16 lacs to said Parlad Hussain. He contends that the petitioner has neither been working as travel agent nor had taken any amount on this pretext from the complainant and as such he prayed for grant of concession of anticipatory bail to the petitioner.

3. On the other hand, learned State counsel has opposed the bail application by referring to reply submitted by Deputy Superintendent of Police, Sub-Division, Phillaur to submit that there are specific allegations against the petitioner of having duped the complainant of huge amount on the pretext of sending his son and daughter in law abroad. He submits that the instant FIR has been got registered after thorough inquiry into the complaint by the Deputy Superintendent of Police (Economic Offences Wing) and there being serious allegations against the petitioner, he does not deserve concession of bail.

4. After Considering the rival contentions and perusing the record, it transpires that the complainant has leveled specific allegations

against the petitioner of having in connivance with the co-accused Parlad Hussain duped him of ₹16 lacs approximately on the pretext of sending his son and daughter-in-law abroad. It is on record that the petitioner as well as Parlad Hussain are not registered travel agents. During the course of inquiry conducted by Deputy Superintendent of Police before the registration of the FIR, it has surfaced that complainant had transferred amount of ₹3,99,000/- in the bank account of petitioner and further a joint account of the son of the complainant and his wife was opened and the welcome kit was kept by co-accused Parlad Hussain wherein the complainant was asked to deposit 12,22,000/- in that account which was operated by co-accused and this apart ₹10 lacs are stated to have been taken by the petitioner as advance for incurring expenditure on the said marriage. The learned counsel for the petitioner could not satisfy as to on what pretext huge amount of ₹3,99,000/- was deposited in the account of the petitioner by the complainant. It is, in the reply submitted by the State that although some amount was returned by the petitioner as well as Parlad Hussain but still ₹13 lacs has been grabbed by them. Some of the cheques given by Parlad Hussain towards return of amount have since been dishonoured due to insufficient funds. Such like incidents of so called travel agents duping the innocent citizens of their hard earned money on the pretext of sending them abroad is on increase and as such these persons deserve no leniency.

5. In these circumstances, considering the nature and gravity of the offence, it is observed that custodial interrogation of the petitioner is required and also the recovery of the amount is yet to be effected, hence no

case is made out in favour of the petitioner for grant of anticipatory bail, as a consequent the petition is hereby dismissed.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

18.01.2024

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No