(2011) 09 P&H CK 0154

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous M. No. 24409 of 2011 (O and M)

Surinderpal	APPELLANT
Vs	
State of Punjab	RESPONDENT

Date of Decision: Sept. 15, 2011

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 438(2)
- Penal Code, 1860 (IPC) - Section 406, 420

Hon'ble Judges: Rajesh Bindal, J

Bench: Single Bench

Judgement

Rajesh Bindal, J.
Prayer in the present petition is for grant of pre-arrest bail to the Petitioner in FIR No. 121 dated 26.5.2011 registered under Sections 420, 406 Indian Penal Code at Police Station A-Division, Amritsar. The allegations in the FIR got registered by Parwinder Singh, are that one Karnail Singh, who is having his Clinic in Village Dhamai was doing the work of sending people abroad along with the Petitioner. The complainant was introduced to Karnail Singh by his in-laws family. The complainant paid a sum of Rs. 8,50,000/- to Karnail Singh for sending him and his wife to Australia. As the deal could not be materialized, a cheque of Rs. 1,90,000/- was given by Karnail Singh to the complainant. However, the balance amount was not returned.

2. Learned Counsel for the Petitioner submitted that even a perusal of the FIR shows that no money was paid to the Petitioner. Cheque of Rs. 1,90,000/- as alleged in the FIR was given by Karnail Singh to the complainant with a promise to return the balance amount. The Petitioner has been falsely implicated in the present FIR. Whatever money was paid by the complainant for admission of his wife in a course at Australia, the same having not materialized, amount of Aus $ 9040 was returned by the College in Australia to the wife of the complainant and further a sum of Rs. 1,19,000/- was paid by him to the complainant. This fact is evident from the statement of the wife of the complainant (Annexure P2).

Learned Counsel for the Petitioner further submitted that main accused Karnail Singh and Manjit Kaur were arrested and have already been released on bail.

3. On the other hand, learned Counsel for the State submitted that there are serious allegations against the Petitioner, who was working along with Karnail Singh for sending people abroad. He further submitted that statement of the mother of Amandeep Kaur, namely, Manjit Kaur was recorded, where she denied that she or her daughter had ever given statement that amount of fee was received back by her daughter.

4. After hearing learned Counsel for the parties and considering the allegations in the FIR that the family of in-laws of the complainant had introduced him to Karnail Singh, who was allegedly doing business of send-ing people abroad along with the Petitioner, no further allegation regarding payment of money to him or even return of part of the consideration paid to him has been made, in my opinion, the Petitioner is not required to be taken into custody for interrogation. The Petitioner is directed to appear before the Investigating Officer on 26.09.2011 at 10.00 a.m. to join investigation and in case of arrest, he shall be released on furnishing of bail bonds to the satis-faction of the Investigating Officer. He shall appear before the Investigating Officer as and when called upon for further investigation. He shall also be bound by all the conditions as contained in Section 438(2) Code of Criminal Procedure

5. The petition stands disposed of.