

**BEFORE THE COURT OF POONAM BANSAL
ADDL. SESSIONS JUDGE, PATIALA.**

BA No.3373-2022
CNR No.PBPT01-010794-2022
DECIDED ON;17.10.2022

Vickram Singh Vs. State.

FIR No. 180 dt. 21.10.2020
Under Section 420,120-B IPC and 13 Punjab Prevention of
Human Smuggling Act.
P.S. Urban Estate, Patiala.

2nd bail application under Section 438 Cr.P.C.

Present: Shri G.S.Prajapat, counsel for applicant-accused.
Shri RPS Ghuman, Addl. PP for the State.
Shri Shivin Sharma, counsel for complainant.

ORDER

1. This order of mine shall dispose of an application having been filed by applicant-accused Vickram Singh seeking bail in view of provisions of Section 438 of Cr.P.C in the above noted case. The first bail application filed by the applicant under Section 438 Cr.P.C has been dismissed vide order dated 9.11.2020.

2. Notice of the application was issued to the State and police record produced.

3. Learned counsel for the applicant has argued that the applicant is innocent and has been falsely implicated in the present case. He has argued that the visa of the complainant was applied by Narinder Shashodia @ Navi Rana. Nothing is to be effected from the applicant. He has further argued that the applicant is ready and willing to join the investigation. Accordingly, he has prayed for concession of anticipatory bail to the applicant.

4. On the other hand learned Additional PP for the State assisted by ld.counsel for the complainant has opposed the bail application on the ground that the applicant had provided fake visa to the complainant after obtaining huge amount. The custodial interrogation of the applicant is required as the recovery of huge amount is to be effected from him. Accordingly, they have prayed for dismissal of the bail application.

5. Rival contentions of both the sides have been heard and the record perused with due care and circumspection.

6. Perusal of police record reflects that Jaswinder Singh and Bhupinder Singh lodged FIR against accused Vickram Singh, who on the pretext of sending Bhupinder Singh abroad (Australia) duped sum of Rs.10,10,400/- from the complainant party. On reaching to the Air-port Bhupinder Singh discovered that the visa was bogus showing his nationality to be that of Japan. Lateron, the applicant/accused again obtained Rs.50,000/- from Bhupinder Singh for making him to board the flight but in vain. The prosecution has also brought to light one photo copy of letter dated 21.3.2022 of Ministry of External Affairs, CPV Division PV-II Section accompanied by a verification report dt. 11.3.2022 from Australian High Commission, New Delhi, wherein it has categorically been stated in unambiguous terms that the visa in question i.e., visa no. 2009589535230 stated to be issued on passport no.P9809413 in the name of Bhupinder Singh had been issued by fraudulent means and was not valid for travel to Australia.

Since the visa provided by the applicant was not valid document showing the nationality of Bhupinder Singh to be that of Japan. It can not be presumed that the intention of the accused was bonafide at the time of issuance of visa. Since the accused/applicant was Managing Director of United Travel Agency opposite Punjabi University, Patiala, it can also not be presumed that he did not have the knowledge of issuance of fake visa to the complainant. Moreover, the report of Ministry of External Affairs, confirms the offence committed by the accused/applicant. Further recovery of alleged huge amount is to be effected in the present case. It is pertinent to mention here that the Hon'ble High Court has also dismissed the bail application filed by the applicant under Section 438 Cr.P.C vide order dated 27.9.2022. Hence, keeping in view the facts and circumstances of the case as well as seriousness of allegations against the applicant no ground for grant of anticipatory bail to the accused/applicant is made out. The court is of the opinion that granting anticipatory bail to the accused at this stage would rather hinder the process of investigation. Accordingly, the instant bail application filed by the applicant stands dismissed. File be consigned to the record room.

(Poonam Bansal)
Addl. Sessions Judge,
Patiala (PB0190)

Date of order 17.10.2022.
Mahesh Kumar,
Stenographer-I..