

**In the Court of Ajaib Singh
Additional Sessions Judge,
Kapurthala
(UID No.PB0120)**

CNR No. PBKP010026692023



Case No. BA/1073/2023

Presented on : 26-05-2023
Registered on : 29-05-2023
Decided on : 06-06-2023

Sahil aged about 19 years son of Sh. Harpreet Singh, resident of Mohalla Ajit Nagar, Lakhan Kallan, Tehsil and District Kapurthala.

.....Accused/applicant

Versus

State of Punjab

.....Respondent

FIR No. 32 dated 17.05.2023
Under Sections 420,406,365,120-B of IPC &
Section 13 of Punjab Travels
Professional Regulation Act,
Police Station: City Kapurthala

Application for bail under Section 438 Cr.P.C.

Present: Sh. Sahil Goel, Advocate, for applicant/accused.
Ms. Reena Rani, learned Addl. PP for State also
duly assisted by Shri Suresh Kalia, Advocate for the
complainant, and ASI Rajiv Sharma, No.67/KPT, Reader
in the office of DSP, Kapurthala.

ORDER

The applicant, Sahil aged about 19 years son of Sh. Harpreet Singh, resident of Mohalla Ajit Nagar, Lakhan Kallan, Tehsil and District Kapurthala, wanted accused in this case, has filed this application for bail under section 438 of Cr.P.C.

3. The notice of the application for bail was issued to the State/complainant. The learned Addl. PP for the State and Shri Suresh

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Kalia, Advocate for the complainant, on receipt of the notice of the same have appeared to contest the same on producing the record of investigation conducted till date by investigation agency.

4. The arguments with regard to the application for bail under section 438 of Cr.P.C moved by the applicant/accused, are heard and the record is perused and it is found that complainant Gurmeet Singh has filed an application also signed by Ajit Singh and Sahilpreet Singh against Harpreet Singh son of Jindu, Balwinder Kaur wife of Harpreet Singh, Sahil son of Harpreet Singh, Baljit Singh son of Shiv Kumar before Sr. Superintendent of Police, Kapurthala, then by submitting therein the same that he when in October, 2022 had visited the house of his brother in-law namely Nishan Singh resident of village Akala, then he had met Harpreet Singh son of Jindu and his wife Balwinder Kaur and they told the complainant they used to send the families to America through direct flight and also had demanded Rs .1,50,0000/- for sending Manjeet Kaur-daughter in law of complainant alongwith her two children to America but the complainant had refused for the same offer, but thereafter Harpreet Singh had visited their house at village Kamrai, and had also met his brother Ajit Singh and told him that he had already obtained family visas(two children & one female) for America and had insisted them to accept his offer and then, they both the brothers i.e. complainant Gurmeet Singh and Ajit Singh had agreed to send Manjit Kaur alongwith her two children and Mohinder Kaur alongwith her children abroad for Rs.95,00,000/- each family,

and then Harpreet Singh had taken Rs.20,00,000/-per family and the passports of above said two ladies and children for arranging to send them America and thereafter had sent the said two ladies and children to Dubai and also started harassing them for payment of remaining amount on pretext for making flight of the aforesaid family members of the complainant from Dubai to Mexico and also started stopping paying any maintenance to them (two ladies and children) and the Harpreet Singh after putting the complainant Gurmeet Singh and Ajit Singh under fear and threat had also taken Rs.75,00,000/- each from them, but despite the full and final payment he had not arranged their flight for next journey and the complainants had called their families back to India at their own expenses. The complainants had arranged the said amount of Rs.1,95,00,000/- only after borrowing the money on interest from various persons. The complainants further alleged that they were very poor persons and the said accused had also taken Rs.50,00,000/- from Sahilpreet Singh for sending him abroad and said Sahilpreet Singh was nephew of Mohinder Kaur aforesaid but had not fulfilled their said promise, rather had cheated, misled and harassed him. The accused neither had returned the money nor had sent their family abroad and whenever they demand their money back then they started threatening them with the dire consequences and ultimately prayer was made for taking legal action against Harpreet Singh, and other aforesaid family members of Harpreet Singh and his close associate Baljit Singh and ultimately prayer has been made for

taken strict legal action against the applicant/accused and all the co-accused. The FIR after conducting inquiry was registered against the applicant/accused, co accused Balwinder Kaur, Harpreet Singh, and Baljit Singh under sections 420,406,365,120-B of IPC and under section 13 of Punjab Travel Professionals(Regulation) Act 2014 and the investigation in the said matter was initiated but the same has not yet been completed so far to the said very effect.

4. The stand of the applicant/accused is that the applicant/accused is innocent, has not committed any offence, has been falsely implicated in this case being son of Harpreet Singh and the FIR has been registered just under the political pressure because the wife of Nishan Singh is the Vice Chairman of Block Committee and Nishan Singh is the brother in law of Gurmeet Singh and under the influence by using their power, the FIR has been got registered against them. The applicant/accused, as per next stand, is not engaged in IELTS or having any travel agency and unnecessarily has been dragged in the present case. The applicant/accused, as per next stand, being law abiding citizen is ready to join the investigation with the police if upon doing so he is released on bail and finally prayer has been made for the grant of relief of anticipatory bail, in terms of which, the record after hearing arguments, has been perused and it is found that ASI Rajiv Sharma has suffered statement that the FIR of the present case was registered against the applicant/accused Sahil and co accused Harpreet Singh, Balwinder Kaur and Baljit Singh and the applicant/accused being involved in the present case is required for the custodial interrogation for

recovery of heavy amount of Rs.2,40,00,000/- involved in this case. The applicant/accused as per case of the prosecution has been playing active role in work of travel agent being run by his father co accused Harpreet Singh without having any valid licence for the same and has cheated and induced the complainant and others by receiving of huge amount for sending the aforesaid persons abroad. The stand taken by the applicant/accused to the effect that she has been falsely implicated only being son of co accused Harpreet Singh as alleged, is also matter of evidence and resulting of which, the contention of the learned counsel of the applicant/accused is not found to be sustainable to said effect because custodial interrogation of the applicant/accused in the present case is found to be necessary for complete and effective investigation and no ground for grant of extra ordinary relief is made out in favour of applicant/accused and resulting of which, the application for bail under section 438 of Cr.P.C moved by the applicant/accused is now dismissed even without commenting on merits of the present case. The copy of this order be placed on the complaint case pending for the appearance of the applicants/accused and others. The file of the application for bail be consigned to record room (J) Kapurthala.

Pronounced in the open Court
Dt.06.06.2023
(Nirlep Kaur)

(Ajaib Singh)
Addl. Sessions Judge
Kapurthala
UID No.PB0120)

(directly dictated on computer)

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Sahil Vs. State

Present: Sh. Sahil Goel, Advocate, for applicant/accused.
Ms. Reena Rani, learned Addl. PP for State also
duly assisted by Shri Suresh Kalia, Advocate for the
complainant, and ASI Rajiv Sharma, No.67/KPT, Reader
in the office of DSP, Kapurthala.

Shri Suresh Kalia, Advocate has filed power of attorney
on behalf of the complainant. The further arguments with regard to
the application for bail moved by applicant/accused, after recording
statement of ASI Rajiv Sharma, are heard and the same vide separate
detailed order of even date has been dismissed as stated therein. The
file has been ordered to be consigned to record room (J) Kapurthala.

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Dt.06.06.2023
(Nirlep Kaur)

(Ajaib Singh)
Addl. Sessions Judge
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