

**IN THE COURT OF DARBARI LAL,
ADDL. SESSIONS JUDGE, JALANDHAR (UID No. PB0087)**

C.I.S. No.	BA-3663-2019
C.N.R. No.	PBJL01-017717-2019
Date of Institution	27.08.2019
Date of Order	10.09.2019

1. Ram Lubhaya aged about 59 years son of late Sh. Kartara Ram
 2. Kamla Devi aged about 56 years wife of Ram Lubhaya
- both residents of village Chhokran, Tehsil Phillaur, District Jalandhar.

..... Applicants/accused.

VERSUS

State of Punjab

..... Respondent.

FIR No. 273 dated 30.07.2019
U/Ss 406, 420 of Indian Penal Code
Police Station: Phillaur
Jalandhar.

Bail Application U/s 439 Criminal Procedure Code

Present: Sh. Kishore Khela, Advocate, for accused/ applicants.
Smt. Zeba Khalid, Addl.P.P. for the State.

ORDER

1. Present bail application has been moved on behalf of accused/ applicants under section 439 of Criminal Procedure Code in case bearing FIR No. 273 dated 30.07.2019 under sections 406, 420 of Indian Penal Code registered with Police Station Phillaur, Jalandhar.
2. Notice of the bail application was issued to the prosecution and Smt. Zeba Khalid, Addl. PP for the State.
3. Heard. The learned counsel for the accused-applicants has contended that the accused-applicants are innocent and have been falsely implicated in this case. The accused-applicants have been arrested in this

case on 08.8.2019 and since then they are in custody. They are no longer required by the police for further investigation. No useful purpose would be served by keeping the accused-applicants behind the bars. He lastly prayed that the accused-applicants may kindly be released on bail.

4. On the other hand, learned Additional P.P. for State strongly opposed the bail application and prayed for dismissal of the bail application.

5. Having heard both sides, I have gone through the police record. Perusal of the police file reveals that the present case has been registered against the accused/applicants along with their co-accused on the written complaint filed by complainants Ram Lubhaya son of Meet Ram, Amarjit son of Swarna Ram, Gurdawar son of Jeet Ram and Joginder Ram son of Gian Chand which they addressed to the DSP Sub Division, Phillaur to the effect that they intend to send their sons Randip Kumar son of Ram Lubhaya, Baljit Kumar son of Amarjit, Saurav Kumar son of Gurdawar and Sandeep Kumar son of Joginder Ram in foreign country. In this respect, they met Narinder Kumar son of Ram Lubhaya, Ram Lubhaya son of Kartara Ram and Kamla Devi wife of Ram Lubhaya, all residents of village Chhokra, Tehsil Phillaur, Jalandhar and they talk with Neelam Rani wife of Kulvir Ram and Kulvir Ram son of Ram Lubhaya who were in Iraq and Doha Qatar. The matter was settled for an amount of ₹2,20,000/- for each person. An amount of ₹1,40,000/- each was to be paid in India pertaining to Visa and remaining amount was to be paid after obtaining the job by deducting from their salaries. They assured that visa of their sons would be arranged within one month. All the above said persons gave ₹1,40,000/- each to them. After about one month, visas of their sons arrived. But when they reached at Delhi Airport, the said persons started demanding ₹80,000/-

each and refused to provide their visa. They have to pay amount of ₹3,20,000/- to them. When their sons reached Iraq, their daughter -in-law namely Neelam sent them with her some companion. When their sons asked for their jobs, she told that they have to wait for a week as their work permit is yet to be prepared. They remained without work for about three months as they were not able to work without permit in Iraq and if, they do so, they are liable to pay huge amount in the shape of fine. When Neelam did not provide them work card then, their sons filed an application before Indian Embassy on 03.02.2019 where Neelam promised to make their work permit within one month and again taken ₹80,000/- from each person for the same. After expiry of period of one month their sons could not receive the work card till 03.03.2019. Their sons remained without work for the last four months. They have to pay fine of \$25 per day. Now, she is threatening to kill their sons in the hands of her Pakistani companions.

6. The accused-applicants neither returned the amount to the complainants nor got arrange work card for them. Huge amount of ₹12 lacs alleged to be received by the accused-applicants from the complainants on the pretext of sending their sons abroad.

7. So, in view of the above said discussion, this court is of the considered view that the accused-applicants are not entitled to bail. As such, the instant application filed by the accused-applicants is hereby, dismissed. Police record be returned forthwith. File be consigned to record room.

Pronounced in open Court:
Dated: 10.09.2019

(Darbari Lal)
Addl. Sessions Judge,
Jalandhar (UID No.PB0087)

**Sushma*

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Ram Lubhaya & other vs State

Present: Sh. Kishore Khela, Advocate, for accused/ applicants.
Smt. Zeba Khalid, Addl.P.P. for the State.

Arguments heard. Vide my separate detailed order, the instant application is hereby, dismissed. Police record be returned forthwith. File be consigned to record room.

Pronounced 10.09.2019

(Darbari Lal)
Addl. Sessions Judge,
Jalandhar (UID No.PB0087)

**Sushma*