

In the Court of Sh. Amarinder Singh Grewal,
Sessions Judge, Kapurthala, (UID No.PB0037)

CNR No. PBKP010042862023



Case No. BA/1787/2023

Presented on : 19-08-2023

Registered on : 21-08-2023

Decided on : 25-08-2023

FIR No.94 dated 19.05.2023
Under Section 420/406 IPC, 24 of Immigration Act
and 13 of Punjab Travel Professionals Regulation Act, 2014
Police Station Sultanpur Lodhi, District Kapurthala.

Waris Stephen aged about 44 years son of Yusuf, resident of village
Buddhi, Nakodar, District Jalandhar.

.....Accused/applicant.

Versus

State of Punjab.

.....Respondent.

Bail application under Section 439 CrPC.

Present: Sh. Rajiv Puri, Advocate, counsel for applicant/accused.
Ms. Chetna, learned PP for the State.

ORDER

1. Applicant Waris Stephen son of Yusuf has filed the bail application under Section 439 Cr.P.C. and notice of the same was given to the State.

2. Heard. The record reveals that FIR No.94 dated 19.05.2023, under Section 420/406 IPC, 24 of Immigration Act and

13 of Punjab Travel Professionals Regulation Act, 2014, was registered at Police Station Sultanpur Lodhi, District Kapurthala on the basis of the complaint moved by complainant Shingara Singh son of Swaran Singh, who had submitted in his complaint that Waras Stephen and Amarjit Singh are agents and they have been sending people abroad. They agreed to send his (complainant) son namely Hardeep Singh to Newzealand (abroad) and regarding the same, the deal was struck for Rs.15 lacs. Thereafter Amarjit Singh, his son Sagar Gill, Kulwinder Kaur wife of Amarjit Singh in the month of February 2022 came to his house at village Jainpur and took his son's passport and Rs.50,000/- in the presence of Ravinder Singh son of Jarnail Singh. The said cash amount of Rs.50,000/- was handed over to Amarjit Singh. At that time, the above mentioned persons gave him assurance that very shortly his son will get the visa and work permit and will be sent abroad. After few days, the said agents asked for more amount and told him that very shortly his son will be sent abroad. Again in the month of February 2022, Amarjit Singh alongwith his son and wife came to his village and took Rs.2,52,000/- in the presence of Balvir Singh son of Tarlochan Singh. Again the above mentioned persons assured him that his son will be sent to Newzealand very shortly. Thereafter the said agents told him that visa has been issued and they sent the copy of the visa on his phone and told him that the remaining amount should be paid as the ticket has to be purchased. Then agent Waras Stephen gave his account No.8411994377 to him. Then on 08.03.2022 Rs.48,000/-; on

14.03.2022 Rs.2 lacs; on 15.03.2022 around Rs.3 lacs and on 02.04.2022 Rs.20,000/- were transferred in the account of Waras Stephen. In total, he paid Rs.8,70,000/- to them. Thereafter his son was taken to Delhi and he remained there for 15 days and thereafter his son returned back. Then he requested them to return his amount and regarding this, compromise was effected on 23.05.2022. Even they issued cheques No.000023 and 00024 to him and when he presented the same, the same were bounced back. Thereafter he again requested the agents to return his money but they issued threats to him. Thus, it was submitted that necessary action be taken as the above mentioned persons have cheated him.

3. Record reveals that the non-applicants Kulwinder Kaur wife of Amarjit Singh and Judhvir Singh @ Sagar son of Amarjit Singh had filed the bail application under Section 438 CrPC before this court and the same was allowed vide order dated 14.07.2023. It was stated by the learned counsel for the applicant that compromise has been effected and on the basis of the compromise, Rs.4,90,000/- has been returned to the complainant party. This being so and the fact that the present applicant is behind the bars for the last more than one month, as such, this Court further feels that no useful purpose would be served by detaining the applicant behind the bars for an indefinite period as there is every likelihood that it will take sufficient time in presentation of the challan. Accordingly, the bail application is allowed and applicant/accused Waris Stephen is ordered to be released on bail on his furnishing bail bonds in the sum of

Rs.1,00,000/- with one surety of the like amount to the satisfaction of the Illaqa Magistrate/Duty Magistrate. Copy of this order be sent to the Court of concerned Illaqa/Duty Magistrate, for compliance. Police record be returned and file of this bail application be consigned to the Judicial Record.

Pronounced in open Court
Dt.25.08.2023
(Arun)

(Amarinder Singh Grewal),
Sessions Judge, Kapurthala,
(UID No.PB0037)

Waris Stephen Vs. State

CNR No.PBKP010042862023
Bail application No.1787 of 2023

Present: Sh. Rajiv Puri, Advocate, counsel for applicant/accused.
Ms. Chetna, learned PP for the State.

Arguments heard. Vide separate detailed order of even date, the present bail application filed on behalf of applicant Waris Stephen has been allowed. Police court record be returned and file of this bail application be consigned to the Judicial Record.

Pronounced in open Court
Dt.25.08.2023
(Arun)

(Amarinder Singh Grewal),
Sessions Judge, Kapurthala,
(UID No.PB0037)