

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

CNR No. PBKP010042702023

Case No. BA/1783/2023



Presented on : 19-08-2023

Registered on : 21-08-2023

Decided on : 25-08-2023

Sewa Singh aged about 48 years son of Joginder Singh, resident of Village Kurali, , District Jalandhar.

.....Accused/applicant.

Versus

Avtar Singh son of Thakur Singh, resident of Village Madhopur, Jallowal, Tehsil and District Kapurthala.

.....Respondent/Complainant.

(Complaint Under Section 420/406 IPC)

Bail application under Section 438 CrPC.

Present: Sh. Sandeep Joy Sahota, Advocate, counsel for applicant/
accused.
Ms. Chetna, learned PP for the State/respondent.

ORDER

1. Applicant Sewa Singh son of Joginder Singh, has filed the bail application under Section 438 Cr.P.C. and notice of the same was given to the State/respondent Avtar Singh.

2. Heard. The record reveals that the complainant/respondent Avtar Singh son of Thakur Singh had filed the complaint against the present applicant Sewa Singh under

sections 420/406 IPC before the learned trial court in which it was submitted that he (complainant) was having friendly relations with the father of the accused Sewa Singh namely Joginder Singh. In the month of April 2016, Joginder Singh alongwith accused Sewa Singh came to his house and stated that their close relatives Pakhar Singh son of Madon Singh of village Gandhran, District Jalandhar is permanently settled in USA and he has already sent many persons to USA. Then Joginder Singh and Sewa Singh stated that in case, he (complainant) is interested to go to USA to settle their permanently, in that eventuality, they can talk with said Pakhar Singh. He fell into their trap. After few days, Joginder Singh informed him (complainant) that he has already talk with Pakhar Singh that in case he (complainant) intends to go to USA he has to pay Rs.17 lacs. He agreed to the same. Thereafter on 24.04.2016, Joginder Singh alongwith accused Sewa Singh came to his house and at that time the then Sarpanch Charan Singh son of Sohan Singh was also present there and then in his presence, Sewa Singh alongwith his father Joginder Singh received Rs.1,50,000/- in cash alongwith his passport. Thereafter Joginder Singh started pressing him to pay the remaining amount upon which he alongwith Charan Singh Sarpanch went to the Studio of Pavittar Singh son of Sohan Singh at village Kala Sanghian. In the said studio at that time nephew of Pavittar Singh namely Jasmeet Singh son of Baljinder Singh was also present. In the presence of said persons, he again paid Rs.3 lacs to accused Sewa Singh and his father Joginder Singh. Further,

complainant had submitted that inspite of aforesaid payment, accused Sewa Singh and his father could not arrange for the travel documents. Thereafter accused Sewa Singh and his father again told him that he has to pay another sum of Rs.3 lacs to ensure early procurement of travel documents. Then again on 30.09.2016, he had paid another sum of Rs.3 lacs in the presence of Sukhjinder Singh and Charan Singh Sarpanch. In this way, he paid Rs.7,50,000/- to accused Sewa Singh and his father. Thereafter repeated requests were made but neither he was sent to USA nor his money was returned. Ultimatley FIR No.42 dated 30.03.2019 was registered against the father of the accused only. Further it was submitted that in this way, the accused has cheated him for Rs.7,50,000/-. Thus on the basis of these facts, the complainant has filed the complaint before the learned trial court .

3. In preliminary evidence, complainant Avtar Singh stepped into the witness box as CW1 and further examined Charan Singh as CW2, Sukhjinder Singh as CW3, Pavittar Singh as CW4, Jasmeet Singh as CW5, Ct. Navdeep Singh as CW6 and thereafter closed the preliminary evidence. On the basis of the preliminary evidence, the learned trial court came to the conclusion that a prima-facie case under section 420 IPC is made out against the present applicant and accordingly the present applicant was summoned under the above said offence vide order dated 26.07.2023.

4. So since the case is based upon complaint and the custodial interrogation of the applicant is not required, as such, this

court feels that it is a fit case where the applicant should be given the concession of anticipatory bail. Accordingly, the bail application filed by applicant Sewa Singh is allowed and he is admitted to bail on his furnishing bails bonds in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the trial Court/Duty Magistrate within ten days from today. Lower Court record alongwith copy of this order be returned and the file of bail application be consigned to the record room.

Pronounced in open Court
Dt.25.08.2023
(Arun)

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

Sewa Singh Vs. Avtar Singh

CNR No.PBKP010042702023
Bail application No.1783 of 2023

Present: Sh. Sandeep Joy Sahota, Advocate, counsel for
applicant/accused.
Ms. Chetna, learned PP for the State/respondent.

Arguments heard. Vide separate detailed order of even
date, the present bail application filed on behalf of applicant Sewa
Singh has been allowed. Lower Court record be returned alongwith
copy of this order and the file of bail application be consigned to the
record room.

Pronounced in open Court
Dt.25.08.2023
(Arun)

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