

**THE COURT OF PARMINDER SINGH RAI
ADDITIONAL SESSIONS JUDGE, GURDASPUR**

CIS No. BA/1919/2024
CNR No. PBGD01-004736-2024
Date of Decision: 11/06/2024

Agent Kashmir Masih r/o village Gunjian, P.S. Purana Shalla, Tehsil
and District Gurdaspur.

.....Petitioner

Versus

State of Punjab.

.....Respondent.

FIR No.16 Dated 15.04.2024
U/Ss 406, 420 IPC & Section 24 of Emigration Act, 1983
Police Station:- NRI Gurdaspur

Application for bail under Section 439 Cr.P.C.

Present: Sh. L.S. Saini Advocate, counsel for petitioner.
Shri Vikram Kashyap, Ld. Additional P. P for State
assisted by Sh. Amit Kumar, Advocate, counsel for
complainant.

ORDER

1. Present petition has been filed by petitioner seeking regular bail under Section 439 of Cr.P.C. for the alleged commission of offences as mentioned above.
2. Upon notice, learned Additional P.P put in appearance on behalf of respondent-State and Sh. Amit Kumar, Advocate, appeared on behalf of complainant and contested the bail application.
3. It is submitted by learned counsel for the petitioner that

petitioner is innocent and he has been falsely implicated in present case. Petitioner is in custody since 13.05.2024. Conclusion of trial shall take sufficient long time and no purpose would be served by keeping the petitioner behind the bars for indefinite period, so, he may be admitted to regular bail.

4. On the other hand, learned Addl.P. P. submitted that the allegations against the petitioner are serious in nature. If the petitioner is released on bail, he can induce or threaten the prosecution witnesses. At the end, he prayed for dismissal of bail application.

5. I have considered the rival contentions of learned counsel for the petitioner, learned counsel for complainant as well as learned Additional Public Prosecutor and perused the record.

6. As per the contents of the FIR, complainant Lovejeet Singh has paid Rs. 3,75,000/- to the accused-applicant for sending his brother abroad to Croatia and even he handed over him visa as well which was expired and then he even asked to get Visa of Armeniya, however even said Visa was found to be fake. His office was found to be fake. Neither he returned his money nor he sent him abroad.

7. It has been contended by the prosecution that accused-applicant has even prepared his fake aadhar card as well and issued a fake visa as well and the recommendation has even been made for addition of offences u/s 467, 468, 471 of the IPC as well. So apparently the allegations are as of now cheating complainant a sum

of Rs. 3,75,000/- on the false pretext of sending brother of the complainant abroad, however, at the same time, the investigation has also found that Visa so issued was also fake one. Accused-applicant has faked his identity as well by posing himself to be having credentialies of his office and identity of which even was found false. So all in all it is case of not cheating but cheating by forging certain documents and even using those documents as well. Such kind of incidents are on the rise. Same even has to be dealt with sternly. Accused even being not an authorized agent has been acting as such and duping innocent persons after showing them green pastures abroad. Accused-applicant is neck deep into immigration racket of cheating innocent and unemployed youth of the country on the false pretext of sending them abroad which needs to be curbed and dealt with stern hands and in case such person is released on bail, he would certainly threaten the witnesses and influence the investigation. As such, the present bail application is hereby dismissed. Police record be returned. Record of present bail application be consigned to Record Room.

Pronounced
Dated:11/06/2024.
Gurpreet Singh, Stenographer-II

(Parminder Singh Rai)
Addl. Sessions Judge,
Gurdaspur.

Present: Sh. L.S. Saini Advocate, counsel for petitioner.
Shri Vikram Kashyap, Ld. Additional P. P for State
assisted by Sh. Amit Kumar, Advocate, counsel for
complainant.

Police record produced. Sh. Amit Kumar, Advocate,
appeared on behalf of complainant. Arguments heard. Vide my
separate detailed order of even date, present bail application has been
dismissed. Police record be returned. Record of present bail
application be consigned to record room.

Pronounced
Dated:11/06/2024.
Gurpreet Singh, Stenographer-II

(Parminder Singh Rai)
Addl. Sessions Judge,
Gurdaspur.

