



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-49984-2024 (O&M)

Date of Decision:- 26.03.2025

LAKHWINDER SINGH ALIAS GULLU

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Vishva Bahl, Advocate for the petitioner.

Mr. Ankit Grewal, DAG Punjab.

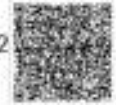
Mr. V.K. Sandhir, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 482 Bharatiya
Nagarik Suraksha Sanhita, 2023, petitioner seeks anticipatory bail in case
FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
101	22.07.2024	406 and 420 IPC; 24 of the Immigration Act,	Machhiwara, District Khanna

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case on account of financial transaction between the petitioner and son of the complainant. He submits that the complainant had paid ₹5 lakhs to the petitioner for ongoing transactions, which was sent to his son Joga Singh living abroad and as the petitioner demanded the balance amount from the complainant, he had been implicated in the present case. He submits that the petitioner is ready to join investigation and has prayed for grant of



anticipatory bail to the petitioner.

3. *Per contra*, learned State counsel assisted by learned counsel for the complainant while referring to the short reply submitted by State has assailed the arguments advanced by learned counsel for the petitioner by submitting that the petitioner has duped the complainant of huge amount on the pretext of sending his son to America but instead sent him to Kyrgyzstan then to Russia and thereafter to Kazakhstan, where he was tortured and ultimately he had to come back to India. It is alleged that the petitioner has duped the complainant of his hard earned money on the pretext of sending his son abroad and cheated him. The custodial interrogation of the petitioner is required to recover the amount and also to ascertain the *modus operandi* adopted by the petitioner thus, prays for dismissal of the bail petition.

4. It is observed that the prosecution was launched on the complaint moved by the complainant alleging that the petitioner had taken ₹25 lakhs from him on the pretext of sending his son Joga Singh abroad and has duped him. It is alleged that the petitioner is running a travelling agency and used to meet the complainant and one Sukhdev Singh. As the son of the complainant was unemployed, the complainant was assured by the petitioner that he will be sent to USA for which an amount of ₹45 lakhs will be charged. Accordingly, an amount of ₹25 lakhs was paid but instead of sending him to USA, he was sent to different countries like Kyrgyzstan, Russia and Kazakhstan and ultimately he had to land back in India. When the complainant demanded the amount back, the petitioner refused, hence the present FIR was registered.



5. After considering the rival contentions and perusing the record it is apparent that there are specific allegations against the petitioner of having taken ₹25 lakhs from the complainant on the pretext of sending his son abroad. The version taken by the petitioner is that he has received only ₹5 lakhs for ongoing transactions to the son of the complainant, which he had done. When confronted, the learned counsel for the petitioner has shown inability to produce any documents to establish that the amount was sent to the son of the complainant. As per the allegations, the son of the complaint was sent to different countries through illegal means and ultimately he landed back in India. The petitioner has duped the complainant of his hard earned money and the recovery of the amount already given to the petitioner and also the *modus operandi* adopted by him in sending the son of the complainant abroad is yet to be established, for which the custodial interrogation of the petitioner is required.

6. Therefore, considering the nature and gravity of offence, it is observed that no case is made out in favour of the petitioner for grant of anticipatory bail, as a consequence, the interim relief granted vide order dated 04.10.2024 stands vacated and the petition is hereby dismissed.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

26.03.2025

S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No