

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

CRM-M No. 24953 of 2017

DATE OF DECISION :- November 28, 2017

Ravi Kumar Malhotra and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. Inderjit Sharma, Advocate for the petitioners.

Ms. Samina Dhir, Deputy Advocate General, Punjab.

This petition for pre arrest bail has been filed by the petitioners Ravi Kumar Malhotra and Anita Devi @ Sonia, both of them being accused in F.I.R. No. 38 dated 3.3.2017 for offence under Section 420 of the Indian Penal Code registered with Police Station City Gurdaspur.

Briefly stated facts of the case as per prosecution version are that F.I.R. in question was registered on the basis of application submitted by Raman Kumar son of Sh. Subhash Chander and Sanu Sharma s/o Sh. Davinder Kumar Chasi to Senior Superintendent of Police, Gurdaspur mentioning therein that Ravi Malhotra and his wife Sonia Malhotra had induced them to pay ₹6 lacs each for the purpose of arranging their migration to Hong Kong. In the month of June, 2016 they had sent them to Thailand instead of Hong Kong. The accused failed to stick to their promise to send them to Hong Kong. They did not return their money either on

receipt of this application, the matter had been enquired into by Incharge IO Wing, Gurdaspur and thereafter formal F.I.R. had been registered. Apprehending their arrest in the case, accused had approached the Court of Sessions for grant of pre arrest bail, however, their such petition was dismissed by Additional Sessions Judge, Gurdaspur vide order dated 14.3.2017. As such they have approached this Court seeking similar relief by way of making the petition in hand, notice of which was given to the respondent State.

I have heard learned counsel for the petitioners and learned State counsel besides going through the record and I find that the petition is doomed for failure. The allegations against the petitioners are quite serious and grave. They had induced the complainants to part with substantial amount of ₹6 lacs each and their Passport giving them allurements of sending them to Hong Kong but they did not keep their promise. There is no denying of fact that people of the region have got a craze to migrate abroad in search of greener pastures and to achieve that aim they are willing to pay any amount to unscrupulous elements posing as travel agents who are having a mushroom growth now a days. Such type of people sell dreams to innocent persons who do not hesitate to put their lives in grave danger. Many instances have taken place in which persons desirous of migrating abroad have lost their lives drowning in sea, falling victim to cold weather, shot at by security forces of foreign countries etc. Therefore, such type of element is to be dealt with an stern hand.

I find that custodial interrogation of petitioners is necessary to effect the recovery of the money paid by complainants to them as well as

their Passports and for complete and effective investigation and in case custodial interrogation is denied to the investigating agency that shall leave many loop holes and loose ends in the investigation adversely effecting it which is as uncalled for.

Thus finding no merit in the petition, the same stands dismissed.

(H.S. MADAAN)
JUDGE

November 28, 2017

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No