IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 27301 of 2017 (O&M)
Date of decision : 19.9.2017

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Kalu @ Kamal
................Petitioner

vs.

State of Haryana
.................Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. S.S. Momi, Advocate for the petitioner

Mr. D.R. Singla, Deputy Advocate General, Haryana.

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H. S. Madaan, J. (Oral)

This petition for regular bail has been filed by petitioner Kalu @ Kamal, aged about 26 years, an accused in FIR No. 409, dated 27.10.2016, for offences under Sections 406, 420 IPC and 24 of Immigration Act, registered at Police Station, Indri, District Karnal.

Briefly stated, facts of the case are that FIR in question was lodged at the instance of Amandeep s/o Sahib Singh, r/o Village Khukhni, Police Station Indri, Karnal, which he made before the police of Police Station Indri on 27.10.2016. Inter alia the complainant has contended that on 24.11.2015, his cousin brother (Mama's son) Neeraj s/o Dharam Pal and his maternal aunt Bala Devi w/o Dharam Pal r/o Kathwala, Yamuna Nagar, alongwith one Kamal s/o Pola Ram, r/o village Baloch Pura, District Kurukshetra, came to their house at village Khukhni and discussed the matter regarding sending the complainant abroad. The deal was finalized for migration to Canada for a sum of Rs.16 lacs. Then on 24.2.2016, said Bala Devi, Neeraj and Kamal again came to their house at village Khukhni and received a sum of Rs.2,30,000/- and his passport. On 7.3.2016 an amount of Rs.50,000/- was paid by the complainant and his mother to Kamal, Bala Devi and Neeraj. Thereafter they sold their land to one Brij Pal s/o Guddu Ram r/o village Khukhni, for a sum of Rs.6,70,000/-. Brij Pal made payment of Rs.5,50,000/- on 15.3.2016 and then on 21.3.2016 an amount of Rs.3,30,000/- was obtained from Balwinder s/o Sulekh Chand and was given to Bala Devi, Neeraj and Kamal. Thereafter, the complainant was sent to Thailand instead of Canada, representing that from there he would be sent to Canada, against another ticket. However, when the complainant arrived at Thailand on 9.4.2016, no body came to meet him. Rather he was sent to one Sikh person for a period of about 10 days, who snatched his passport etc. and detained him in a room, giving him beatings, asking him to get his parents make payment of money. As such at the asking of complainant, his maternal uncle, Balbir s/o Mange Ram r/o village Kudlan got transferred a sum of Rs.48,000/- in account No. 6603015677224; Rs.49,000/- in account No. 600301700133 and

Rs.48,000/- in account No. 037101515334 on 6.5.2016 in ICICI bank and an amount of Rs.55,000/- in account No. 9772220004768 in Syndicate Bank . However, the complainant managed to run away from there and reached Indian Embassy in Thailand, from where he got issued his passport and returned home. He convened Panchayat several times demanding his money, but to no effect. That when his maternal grandmother came to know that he had came back and was demanding back his money, she got the news matter published in a newspaper stating that Bala, Aman and Kamal in connivance with their associates have committed a fraud to the tune of Rs.13.60 lacs on the pretext of sending the complainant abroad. The petitioner was arrested in this case. Presently, he is in judicial custody. He had applied for grant of regular bail in the Court of Sessions at Karnal, but remained unsuccessful there, as such he has approached this Court for grant of bail.

Notice of the petition was given to the State, which has put in appearance through State counsel.

I have heard learned counsel for the petitioner, learned State counsel, besides going through the record of the case.

In the instant case, the petitioner is specifically named in the FIR and as per allegations there in he alongwith his co-accused has received substantial amount of money from the complainant, the total being Rs.13,60,000/-, that was so done by the petitioner and his co-accused giving allurement to the complainant for settling him in Canada. However, instead of ensuring his migration to Canada, the petitioner was taken to Thailand where he is stated to have been maltreated and harassed. Nowadays several unscrupulous persons in the garb of travel agents have been cheating and playing fraud with innocent persons fleecing a large amount of money from them giving them allurement of their migration to foreign countries. The innocent persons fall victim to such high claims, in the process loosing substantial amount of money and put to harassment and even danger to their lives. Malta boat tragedy, in which several innocent persons from the State of Punjab lost their lives when the boat carrying them sank and they could not reach the promised destination, is one such example.

I find force in the contention of learned State counsel that there is strong apprehension of petitioner absconding and trying to tamper with the prosecution evidence, if granted concession of bail. Thus there is no ground to allow the petition and grant regular bail to the petitioner. Trial against him is going on, which is likely to be completed in near future, where he would get verdict of guilty or innocent.

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

(H.S. Madaan)
Judge

19.9.2017
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Whether speaking / reasoned Yes / No

Whether reportable Yes / No