

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

**CRM NO. M-31071 OF 2017
DECIDED ON : 21.11.2017**

Ashish and another

...Petitioners

versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present : Mr. Sanjay Panghal, Advocate,
for the petitioners.

Mr. Kanisth Ganeriwala, AAG, Punjab.

Mr. Vijay, Advocate,
for the complainant.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioners are seeking anticipatory bail in FIR No.553 dated 06.07.2017 under Sections 406/420 IPC, registered at Police Station Jhajjar.

The allegations against the petitioners, who are father and son, are that they had allegedly taken ₹22 lacs in all from the complainant for sending his son abroad.

On 24.08.2017, learned counsel for the petitioners had stated that complainant had given a cheque of ₹2 lacs in favour of Dharmender (petitioner No.2) who owns only one account in the HDFC Bank and copy of the statement of account which has been annexed as Annexure P-4, indicated that no such amount

was deposited therein. The allegations in the FIR are primarily directed against Dharmender, who is petitioner No.2, as he had allegedly promised to send the son of complainant abroad. Petitioner No.1 namely Ashish is the son of petitioner No.2 Dharmender and is stated to be about 18 years of age. The allegations against petitioner No.1-Ashish in the FIR are that he had collected money on behalf of his father.

This Court, by the order dated 24.08.2017, had directed the petitioners to join investigation and in the event of their arrest, they were ordered to be released on ad-interim bail to the satisfaction of Arresting/Investigating Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Learned State counsel, upon instructions from ASI Sudhir, states that though the petitioners have joined investigation, but during investigation several persons have come forward with similar complaints against petitioner No.2-Dharmender, who had been alluring innocent people for sending them abroad.

Learned State counsel further states that petitioner No.2-Dharmender owns four accounts in the HDFC Bank and the statement of account shows that cheque of ₹2 lacs had been deposited in one of the accounts. He, however, does not dispute that petitioner No.1-Ashish is only 18 years old and his role in the FIR is confined to receiving money on behalf of his father.

There are serious allegations against petitioner No.2-Dharmender of having duped the complainant and several other persons on the pretext of sending them abroad. The money which was paid by the complainant, has also been deposited in his account, which is contrary to the statement of learned counsel for petitioner No.2-Dharmender made before this Court on 24.08.2017. Therefore, petitioner No.2-Dharmender does not deserve the concession of anticipatory bail. Consequently, the instant petition qua petitioner No.2-Dharmender stands dismissed.

However, petitioner No.1-Ashish is only 18 years of age and is only alleged to have collected money on behalf of his father i.e petitioner No.2-Dharmender. He has joined the investigation.

In view of the above and without expressing any opinion on the merits of case, the order dated 24.08.2017, granting ad-interim bail to petitioner No.1-Ashish, is hereby made absolute. However, petitioner No.1-Ashish shall abide by the conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of accordingly.

(ANUPINDER SINGH GREWAL)
JUDGE

NOVEMBER 21, 2017
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1. Whether speaking/reasoned : YES/NO
2. Whether reportable : YES/NO