

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 30508 of 2017 (O&M)

Date of decision : 10.1.2018

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Sourabh Saini

.....Petitioner

vs.

State of Haryana

.....Respondent

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

Present: Mr. J.S. Brar, Advocate for the petitioner

Mr. Gaurav Bansal, Assistant Advocate General,
Haryana.

Mr. R.S. Budhwar, Advocate for the complainant.

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H. S. Madaan, J. (Oral)

This application for pre-arrest bail has been filed by petitioner – Sourabh Saini, an accused in FIR No. 119 dated 14.7.2017 for offences under Sections 406/420 IPC, registered with Police Station Sadhaura, District Yamuna Nagar.

FIR in this case was recorded on the basis of written complaint dated 18.5.2017 submitted by complainant Sunil Saini s/o Surinder Kumar Saini r/o New Town, Sadhuara, District Yamuna

Nagar, wherein he alleged that one Sourabh Saini was his class fellow and they are acquainted with each other, meeting quite frequently. In the month of October 2015, Sourabh Saini disclosed that he had applied for visa for New Zealand and offered to get work visa for the complainant for New Zealand for a period of two years. On the next visit, Sourabh Saini accompanied the complainant to travel agent and introduced him to one Chinkesh Gupta, who assured to get work visa for New Zealand issued to him for a consideration amount of Rs.9 lacs, out of which Rs. 2 lacs were to be paid in advance besides handing over passport and other documents. Therefore at the instance of Sourabh Saini, the complainant got transferred a sum of Rs.1,98,000/- from the bank account of his father to the account of Chinkesh Gupta on 15.12.2015. At the instance of Sourabh Saini and Chinkesh Gupta, the complainant alongwith two persons went to Mumbai for medical checkup. Sourabh Saini and Chinkesh Gupta kept assuring him that needful will be done within a short time and asked for remaining payment. The complainant paid a further sum of Rs. 2 lacs to Chinkesh Gupta, besides further sum of Rs. 2 lacs and Rs.1 lac and Rs.50,000/- on another occasion. However, his work visa was not got managed. The complainant asked the accused to return his money and passport but to no effect.

The matter was investigated into and then formal FIR was registered. Apprehending his arrest in this case, petitioner-Sourabh Saini had approached the court of Sessions, by way of moving an application for pre-arrest bail, but his application was declined by the Additional Sessions Judge, Yamuna Nagar at

Jagadhri, vide order dated 3.8.2017, as such he has approached this Court craving for grant of similar relief by filing the present petition.

Notice of the petition for pre-arrest bail in this Court was given to the State. The complainant has also appeared through counsel.

I have heard learned counsel for the parties, besides going through the record.

The allegations against the petitioner are quite serious and his custodial interrogation is necessary for complete and effective investigation, so also to effect the recovery. In case custodial interrogation of the petitioner is denied to the investigating agency, that would leave many loose ends and gaps in the investigation, affecting the investigation being carried out adversely which is not called for.

The petitioner is not entitled to the grant of discretionary relief of pre-arrest bail. Accordingly, finding no merit in the petition, the same stands dismissed.

(H.S. Madaan)
Judge

10.1.2018

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Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No