

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

**CRM-M-9233-2020
Date of decision: 23.11.2020**

Mahavir Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. B. S. Dhillon, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 19 dated 08.02.2020, registered under Sections 406, 420 and 506 of the IPC at Police Station Jhansa, District Kurukshetra.

As per the allegations in the FIR, complainants Amit Kumar and Ankush have paid an amount of Rs. 3,65,000/- to petitioner for depositing the same on their behalf against University Fee, Embassy Fee and Medical charges etc. and for obtaining Visa of Russia in respect of both the complainants.

Learned counsel for the petitioner submits that Visa was granted to both the complainants and they were provided tickets for Moscow (Russia) but thereafter, the complainants, on their own, without attending the college, went to Yerevan (capital of Armenia) from Moscow, as per tickets Annexures P-7 and P-8.

Learned counsel for the petitioner further submits that as per allegations in the FIR, an agreement dated 08.04.2019 was entered into

between the parties, according to which, the amount was paid to petitioner with an assurance of return if within a period of one year, Visa is not provided to the complainants. Later on, the present FIR has been registered with the allegations that petitioner has not returned the amount and has failed to provide Visa to complainant. It is further submitted that petitioner has already refunded an amount of Rs. 1,60,000/- to the complainants.

Learned counsel for the petitioner further submits that in fact it is a dispute arising out of an agreement which can be enforced by a Civil Court.

Learned State counsel submits that vide order dated 15.09.2020, the arrest of the petitioner was stayed, however, he was not directed to join investigation and the petitioner may be directed to join investigation.

Learned State counsel, on the basis of affidavit of DSP, Kurukshetra, further submits that the petitioner had taken some amount for providing Visa to complainants and has relied upon agreement set up by the complainants in the FIR, according to which, it was agreed that if the petitioner fails to provide Visa within a period of one year, the petitioner will be responsible to return the amount to complainants.

After hearing learned counsel for the parties, without making any comment on the merits of the case, considering the fact the complainants, on the basis of the said agreement, can file a suit for recovery, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call

upon the petitioner to join investigation, if required, by issuing a written notice in this regard.

23.11.2020
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No