

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-19165-2020 (O&M)
Date of Decision:16.9.2020

Prabjot Singh Virk

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Priyavrat Parashar, Advocate for the petitioner.

Mr. Karan Sharma, AAG, Haryana.

Mr. Mandeep Singh Khillan, Advocate for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.

1. The petitioner Prabjot Singh Virk seeks grant of anticipatory bail in respect of a case registered vide FIR No.174 dated 26.6.2020 at Police Station Ram Nagar, Karnal, Haryana under Sections 406, 420 and 506 of Indian Penal Code and Section 24 of Immigration Act.
2. The FIR, in the present case, was lodged at the instance of Lovepreet Singh, wherein it is alleged that in the year 2019, Agent Prabjot Singh Virk (petitioner) met his uncle Balwinder Singh at his shop situated in Hansi Chowk, Karnal and stated that since the complainant Lovepreet Singh was unemployed, he could send him to America, where the complainant would

be earning about ₹2 lakhs per month. The complainant's uncle got allured by the said representation made by Prabhjot Singh Virk (petitioner) and it was agreed that the complainant would be sent to America. The complainant has stated that he was initially got a Visa for Europe issued and on 8.9.2019 he was made to board a flight to Europe and that while travelling through Moscow, Greece and Rome, he was sent to Mexico, where he met an agent of Prabhjot Singh Virk, who took him to his house, where he was threatened for not having given any money. The complainant made a call at his home and told them to pay an amount of ₹22.50 lakhs as had been settled. It is alleged that infact Prabhjot Singh Virk's agent even pointed a pistol at him threatening to kill him. The family of complainant being scared gave an amount of ₹22.50 lakhs to Prabhjot Singh Virk. Prabhjot Singh Virk then told the agent Donker to send the complainant to America by making him cross the border. Although the complainant objected to the same as it had been agreed that he would be sent to America legally but the accused did not pay any heed and made him to cross the border into America but the complainant was caught by the Police Authorities in America and was lodged in jail, where he remained confined for 1 year.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that the petitioner had never held out any promise of sending the complainant abroad nor had received any amount as alleged to have been paid by the complainant or his family.
4. Opposing the petition, the learned State counsel has submitted that since the petitioner is specifically named in the FIR and there are categoric allegations against him, no case for grant of anticipatory bail is made out.

5. I have considered rival submissions addressed before this Court.
6. It is a case where the complainant has levelled allegations against the petitioner in clear and in unambiguous terms and against none else. The payment of an amount of ₹22.50 lakhs is stated to have been paid to the petitioner. The petitioner has not been able to come out with any explanation as regards the said payment. The complainant, who was sent by dubious means to America illegally, was arrested by the Police Authorities in America and was kept confined in jail for 1 year for having entered the country illegally and was ultimately deported. The said facts are not in dispute.
7. It is not just a case of simply depriving the complainant or his family of huge amount of money, but is a case where the life of complainant had been put to peril by sending him to foreign countries illegally and by dubious means, which could well have resulted in paying a heavy price including prolonged detention or even death. The complainant, in any case, was kept confined for a good 1 year. In these circumstances, this Court finds that custodial interrogation of the petitioner would be required so as to unearth the exact modus operandi adopted by the accused and to find out who else could be involved in the said racket of illegal human trafficking and as to how many gullible youths had been trapped by such *modus-operandi* while holding out dreams of greener pastures abroad.
8. The petition is sans merit and is hereby dismissed.

16.9.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No