

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

Crl. Misc. M-19263 of 2020 (O & M)

Date of decision: 27.10.2020

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Rampal

....Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Aman Pal, Advocate,
for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

(Proceedings are conducted through video
conferencing as per instructions).

G.S.SANDHAWALIA, J. (Oral)

Crl. Misc. No. 16745 of 2020

Allowed as prayed for.

Crl. Misc. M-19263 of 2020

The petitioner seeks anticipatory bail in a petition filed under Section 438 Cr.P.C. in FIR No. 74 dated 04.06.2020 (Annexure P-1) under Sections 406, 420 IPC and Section 24 of the Immigration Act, 1971, P.S. Naggal, District Ambala.

On 17.07.2020, the following order was passed:-

“Briefly, the FIR bearing No. 74 dated 04.06.2020 under Sections 406/420 IPC and 24 of Immigration Act, 1971 registered at Police Station Naggal, District Ambala. The allegations are to the effect that Manish Kumar complainant a sum of Rs. 20 lacs approximately was extracted from him in a deceitful manner on the

pretext of lawfully sending him to US. Infact, the complainant was apprehended by the police in US, confined in jail for a period of 09 months and even his passport was impounded by the authorities.

It has been contended by the learned counsel for the petitioner that the name of the petitioner does not find mentioned in the FIR.

Notice of motion.

Ms. Dimple Jain, AAG, Haryana, accepts notice on behalf of the respondent-State.

On the contrary, it has been pointed out by the learned State counsel that the petitioner was named in the supplementary statement of the complainant recorded after about 02 weeks from the registration FIR.

Adjourned to 09.09.2020.

Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he join the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

Thereafter, on 09.09.2020, State was directed to file affidavit of the gazetted officer depicting the detail of incriminating evidence against the petitioner.

Counsel for the petitioner submits that the petitioner has joined investigation, which fact is vouched by counsel for the State. It is, however, contended that the petitioner has not got the recovery of the amount of around Rs.22,00,000/-, which had been taken from the complainant-party. As per the affidavit of Sultan Singh, HPS, DSP, Ambala, it has been submitted that during the investigation on 17.06.2020, in the supplementary statement of the complainant Manish Kumar's father namely Gurdayal

Singh, it has come that the complainant had been detained in Mexico by one

Donker. The sum of Rs.1,85,000/- was taken from the father of the complainant to be paid to Som Nath Gaba for getting the complainant released and for further transportation to USA. As per the status report also, investigation against the said Som Nath Gaba has been completed whereas, it is pending against the other accused.

Keeping in view the background of the case, this Court is of the opinion that the petitioner was prima facie not initially involved as such in the process of sending the complainant abroad and might have facilitated payment at a subsequent point of time. It is the case of counsel for the petitioner that he is a first cousin of the complainant and is only a go-between as the real brother of the petitioner had been sent to America through Som Nath Gaba.

Accordingly, the petition stands allowed by confirming the interim order dated 17.07.2020.

27.10.2020
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No