

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

111

CRM-M No.20112 of 2020
DATE OF DECISION : 23rd JULY, 2020

Sandeep Kharab

.... **Petitioner**

Versus

State of Haryana

.... **Respondent**

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

=====

In virtual Court

=====

Present: Mrs. Gursharan K. Mann, Advocate for the petitioner.

* * * *

RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory/pre-arrest bail in case FIR No.326 dated 26.06.2020 registered under Sections 420, 406, & 34 IPC and Sections 10 & 24 of the Immigration Act, 1983, at Police Station Sadar Thanesar, District Kurukshetra.

It is contended by counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner is conducting business of travel agency and international bookings. He is having GST registration and doing business totally in lawful manner. The petitioner is not even denying having received the money from the complainant. However, the entire money received by the petitioner has been duly accounted for. Admittedly, the petitioner had handed over the ticket to the complainant. Besides this, the petitioner had booked the hotels abroad, as per the requests of the complainant. Still further, since the complainant was going abroad, therefore, he had engaged the petitioner to get foreign

currency in dollars. The petitioner had arranged for that also. Beyond this facilitation, there is no role of the petitioner in sending the complainant abroad. Even as per the allegation, no other money was ever paid to the petitioner except for the purposes mentioned above. The petitioner is not even alleged to have participated in process, except for the purposes mentioned above. The counsel has also submitted that there is no other case against the petitioner.

Notice of motion.

Mr. Amit Aggarwal, DAG Haryana, accepts notice on behalf of the State.

Learned State counsel, being instructed by SI Surender Singh, has submitted that the name of the petitioner has been specifically mentioned in the FIR. The petitioner had even received the money from the complainant, in his account. However, it is not disputed that the petitioner had handed over the tickets; had booked the hotel for the complainant and had also arranged for the dollars, as per the requirement of the complainant. It is also not disputed that there is no other allegation against the petitioner except the purpose as mentioned above. Still further, it is not disputed that there is no other case against the petitioner.

In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds/surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

23rd JULY, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>