

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

CRM-M-20629-2020 (O&M)
Date of Decision:16.9.2020

Sajad Raja @ Raj

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sunny Singla, Advocate for
Mr. Pankaj Bali, Advocate for the petitioner.

Mr. Karan Sharma, AAG, Haryana.

Mr. G.S. Sandhu, Advocate for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.

1. The petitioner Sajad Raja @ Raj seeks grant of anticipatory bail in respect of a case registered vide FIR No.420 dated 27.6.2020 at Police Station, Sadar, Karnal, under Sections 406 and 420 of Indian Penal Code and Section 24 of Immigration Act, wherein offences under Sections 120-B, 370 and 384 IPC were added lateron.
2. The FIR was registered at the instance of Gulzar, wherein it has been alleged that he had discussed the matter regarding his going abroad with Lakhwinder Singh, who told him that Raju Agent in Pehowa is doing the work of sending people abroad. In March 2019, the complainant alongwith Lakhwinder Singh, complainant's mother Sheela Devi, his uncle Nanha Ram and

grandfather Ram Sawaroop went to Raju's office under the name and style of 'Vipin Tour and Travel Agency' in Pehowa, who assured that he would send the complainant abroad by legal means on the basis of work permit to America for an amount of ₹26 lakhs, which may be paid by the complainant after earning the same. It is alleged that in April 2019 Raju took the complainant's passport and sent him to Moscow and thereafter to Greece, Madrid, Spain and Mexico. Raju had not charged anything upto that stage. After reaching Mexico, the complainant met 'Donker', who took him to his house, where he remained for 5-6 days and where he raised a demand for money. The complainant informed his family regarding the demand of ₹26 lakhs, upon which his family gave the said amount to Raju through commission agent Balwant Singh. It is alleged that thereafter the petitioner was made to cross over the wall to America from Magsikli, but upon reaching there, he was caught by the police on the border and was kept confined there in jail. When the complainant called Raju, he told him to get another amount of ₹5 lakhs delivered at his house, which was accordingly got delivered. The complainant, however, remained in jail for 14 months and thereafter was deported back to India on 23.6.2018.

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 categorical 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 ₹26 lakhs is stated to have been paid through commission agent Balwant Singh 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 14 months 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 14 months. 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

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

**(Gurvinder Singh Gill)
Judge**