

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

CRM-M-20643-2020 (O&M)
Date of Decision:16.9.2020

Ajay Denial Anwar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Keshav Pratap Singh, Advocate for the petitioner.

Mr. Karan Sharma, AAG, Haryana.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.

1. The petitioner Ajay Denial Anwar seeks grant of anticipatory bail in respect of a case registered vide FIR No.9 dated 3.1.2020 at Police Station City Thanesar, District Kurukshetra under Section 420 of Indian Penal Code and Section 10 of Immigration Act.
2. The FIR, in the present case, was lodged at the instance of Manish Kumar, wherein it has been alleged that he has been duped of an amount of ₹21 lakhs by Bakshish Singh @ Bagga Singh @ Bawa Singh and Satyawan. It is alleged that the complainant Manish Kumar met Satyawan in February 2019, who represented that he alongwith Bakshish Singh @ Bagga Singh @ Bawa Singh is doing the work of sending people abroad and in case the

complainant desires, he could be sent to America. Being taken in by the said representation, the complainant alongwith his father Krishan went to Satyawan's office and met Satyawan and Bakshish Singh @ Bagga Singh @ Bawa Singh where they told the complainant and his father Krishan that the complainant would be sent to America in about 15-20 days and for which the complainant would have to incur an expenditure of ₹21 lakhs. The complainant being allured and taken in by the said representation gave his passport and an advance of ₹1 lakh, which was deposited in the bank account of Bakshish Singh @ Bagga Singh @ Bawa Singh. On 5.6.2019, Satyawan informed the complainant that complainant's Visa has been arranged and handed over his passport and air ticket and the complainant was sent to Malaysia and from thereon he was sent to Pipon and then to Cambodia, where he stayed for about 19 days and from Cambodia the complainant was sent to Mexico, where he was caught by the officials of Immigration Department and was sent behind bars, where he was kept confined for 5 months. It is alleged that thereafter Satyawan and Bakshish Singh @ Bagga Singh @ Bawa Singh called the complainant's father and told him that in case he wanted his son to reach America, then he would have to make a payment of another ₹20 lakhs and accordingly complainant's father handed over an amount of ₹21 lakhs to Satyawan on 25.6.2019, which he had arranged from members of his family and friends and ultimately the complainant was deported back to India by Government of Mexico on 25.11.2019.

3. The learned counsel for the petitioner has submitted that the petitioner is nowhere named in the FIR and that the FIR is specifically against two persons namely Satyawan and Bakshish Singh @ Bagga Singh @ Bawa

Singh, who are alleged to have held out a false representation to the complainant for sending him abroad and are alleged to have received an amount of ₹21 lakhs for the said purpose. It has been submitted that the petitioner has been nominated as an accused on the basis of a disclosure statement allegedly made by co-accused, who have alleged that an amount of ₹13 lakhs out of the amount of ₹21 lakhs paid by the complainant, was passed on to the petitioner.

4. Opposing the petition, the learned State counsel has submitted that since the petitioner is specifically named in the disclosure statement made by co-accused and is also stated to have received an amount of ₹13 lakhs, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that there is not even an iota of allegation against the petitioner in the FIR, who is not even named in the FIR, as the allegations are specifically against two accused only namely Satyawar and Bakshish Singh @ Bagga Singh @ Bawa Singh. The petitioner has been nominated as an accused on the basis a disclosure statement allegedly made by co-accused, the veracity and admissibility of which would be debatable.
7. In these circumstances, when the petitioner is not specifically named in the FIR and is sought to be nominated on the basis of disclosure statement only and there is nothing else on record to show his complicity in the matter, the petition merits acceptance and is hereby accepted. It is ordered that the petitioner, in the event of arrest, be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when

called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

16.9.2020

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No