

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

CRM-M-26580-2020 (O&M)
Date of Decision:-16.11.2020

Deepak ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Partap Singh, Advocate for the petitioner.

Mr. Karan Sharma, AAG, Haryana,
assisted by ASI Subhash Chander.

Mr. Rahul Jaswal, Advocate for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.148 dated 9.6.2020 at Police Station Israna, District Panipat, Haryana under Sections 406/420/506/34 IPC and Section 24 of Immigration Act, wherein offences under Sections 370/384 IPC were added later on.
2. The FIR was got registered at the instance of Deepak son of Satbir Singh against three accused namely Om Parkash, Jagdish and Deepak @ Krishan

(petitioner). It is alleged that on 15.11.2017, the petitioner went to the house of Om Parkash wherein said Om Parkash painted a rosy picture of America and represented that he could send the complainant to America for an amount of ₹ 25 lacs. The complainant alleges that the deal was settled at ₹ 23 lacs and on 4.12.2017, the complainant's father alongwith Sandeep Kumar went to the house of Om Parkash where they met Jagdish brother of Om Parkash who stated that Om Parkash had gone out and that he works with Om Parkash and accepted an amount of ₹ 10 lacs from the complainant's father. Said Jagdish also took complainant's passport stating that the same was required for purchase of tickets and further stated that his nephew Deepak @ Krishan will accompany the complainant. It is alleged that on 10.12.2017, Om Parkash and Jagdish took the complainant to Delhi Airport where he boarded a flight to Thailand and from Thailand, he was taken to Cambodia. It is alleged that in Cambodia, the complainant met Deepak @ Krishan, who kept him confined in a hotel upto 24.12.2017 and also demanded payment of the balance amount. On 17.12.2017, the complainant's father gave an amount of ₹ 6 lacs to Om Parkash and Jagdish. On 24.12.2017, Deepak @ Krishan gave a ticket for Japan and Mexico and in Mexico, the complainant met an agent who kept the complainant in his house for 5-6 days like a prisoner. It is alleged that thereafter on 30.12.2017, the complainant was made to board a bus to USA. It is further alleged that the said agent also pressurized him and threatened him that if another ₹ 12 lacs is not paid, the complainant would land in jail and thus, the complainant's father paid another amount of ₹ 12 lacs to accused Om Parkash and Jagdish. It is alleged that ultimately the complainant landed in California jail from where he was deported to Delhi on 1.10.2019. It is further alleged that during the said period, the accused Om

Parkash had taken another amount of ₹ 8 lacs from his family on the pretext of getting him back to India. It is also alleged that another amount of ₹ 10 lacs were also taken by Om Parkash and Jagdish on the pretext of filing an appeal as the case of the petitioner was stated to have been declined and thereafter also raised demand of another ₹ 2.5 lacs for preparation of documents. It is further alleged that after returning back to India, the complainant and his father asked the accused to return back the amount but to no avail. It is, thus, alleged that the accused in this manner defrauded the complainant of an amount of ₹ 48,05,000/-.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and infact in the FIR, the parentage of accused Deepak is different wherein the father of accused Deepak is mentioned as Om Parkash whereas the father's name of petitioner Deepak is Hukam Chand. It has further been submitted that it is infact Om Parkash and Jagdish, who had allegedly defrauded the complainant of huge amount and that the only role that may be attributed to the petitioner is that the complainant had resided in his house in Cambodia.
4. Opposing the petition, the learned State counsel has submitted that in the reply filed by State, the correct parentage of the petitioner has been clarified. The learned State Counsel, while referring to Para 3(vi) of reply, has submitted that during the course of inquiry, the complainant had identified the petitioner before the police on 12.9.2020. The learned State counsel has also referred to the supplementary statement of complainant recorded on 12.9.2020 wherein he categorically stated the accused to be Deepak son of Hukam Chand i.e. the petitioner. The learned State counsel has further

submitted that since the entire racket of sending persons abroad by dubious means was executed by all the accused in connivance with each other, no case for grant of bail is made out.

5. I have considered the rival submissions addressed before this Court.
6. The learned State counsel has sufficiently explained the error in the FIR as regards the parentage of the petitioner whose father's name is infact Hukam Chand. The complainant, in any case, had subsequently identified the petitioner to be the accused and, as such, the petitioner cannot derive any advantage of the aforesaid error. The petitioner is not only specifically named in the FIR but a specific role is also attributed to him inasmuch as the petitioner in furtherance of the dubious plan of the accused had kept the complainant in his house for about 10 days in Cambodia, which was apparently in furtherance of the entire plan of the accused for duping the complainant of huge amount. A huge amount of ₹ 48 lacs had been extracted by the accused for the purpose of sending the complainant abroad by selling him dreams of foreign lands holding out false promises. In these circumstances, the complicity of the petitioner is clearly evident. As such, no special case for grant of anticipatory bail is made out.
7. The petition is sans merit and is hereby dismissed.

16.11.2020

kamal

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No