IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M-26826-2020

Neetu Sharma

...... Petitioner

Versus

State of Haryana

...... Respondent

2. CRM-M-27678-2020

Surinder Sharma

...... Petitioner

Versus

State of Haryana

...... Respondent

Date of decision : 21.9.2020

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

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Present : Mr.Partap Singh, Advocate
for the petitioners in both cases.

Mr.Tanuj Sharma, AAG, Haryana.

Mr.Parveen Kumar, Advocate
for the complainant.

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H.S. MADAAN, J.

Cases taken up through video conferencing.

Vide this order, I shall dispose of two petitions for grant of pre-arrest bail i.e. **CRM-M-26826-2020** filed by petitioner Neetu Sharma and

CRM-M-27678-2020 filed by petitioner Surinder Sharma, both of them being husband and wife and accused in FIR No.115 dated 20.2.2020 for the offences under Sections 406, 420, 506, 34 IPC (later on Sections 370 and 384 IPC and Section 24 of Immigration Act added), registered at Police Station Assandh, District Karnal.

Briefly stated, the prosecution story is that criminal machinery in this case was set into motion by complainant Jitender Kumar son of Prem Chand, resident of Chorkasa, Assandh, Karnal, who in the written complaint submitted by him against Surender Kumar son of Beera, his wife Neetu Sharma, brother-in-law Sonu and one Rishipal son of Beera Ram of his village to the police stated that Rishipal being co-resident of complainant and well acquainted with him gave him allurement of sending him abroad for better prospects and introduced him with accused Surender Kumar in first week of October, 2017; Surender Kumar assured the complainant that he would send him to America and get a job for him there as he had a valid license for that purpose; Surender Kumar demanded a sum of Rs.20 lakhs for that purpose, however, the settlement was arrived at for Rs.19,50,000/-; on 10.10.2017, the complainant accompanied by his brother Kabal Singh and Rishipal went to the house of Surender Kumar at Karnal and handed over his passport to him; Surender Kumar obtained signatures of complainant and his brother Kabal Singh on various blank papers and obtained two cheques from their joint account; on 17.10.2017 Rishipal telephonically informed the complainant that his work was ready and Surender Kumar was calling him, then the complaint went to the house of Surender Kumar with his documents and clothes; he was sent to Pahadganj, Delhi with a driver and one other person in Innova Car; they stayed in a hotel for the night; on the next day i.e. on 18.10.2017, accused Sonu came to complainant and gave him his passport, ticket to Dubai and some other documents; on being asked Sonu stated that since complainant could not go to America directly and he was being sent there via Dubai; the complainant was accordingly taken to Dubai and from there to Maxico via many cities and countries passing through forests etc.; from there he was taken to America border; Surender Kumar asked the complainant telephonically to convey to his family to pay Rs.19,50,000/- to him, otherwise he would get him killed; on 12.12.2017, the complainant was handed over to American police; the brother of complainant namely Kabal Singh gave Rs.19,50,000/- to accused Surender Kumar at his house but Surender Kumar did not get the complainant released from American police, rather he asked brother of the complainant to pay him Rs.3,50,000/- more; that amount was also paid to him but the complainant was not got freed from jail in in America, rather he was deported from America in March, 2019 and he came back to India. Then the complainant along with his brother Kabal Singh met accused Rishipal and thereafter they along with respectables went to Surender Kumar. Surender Kumar showed his inability to return money to the complainant but offered to send any other member of family of complainant to America assuring that thids time, they would not face any problem. The complainant and his brother Kabal Singh fell into the trap. Rs.3 lakhs were given to Surender Kumar on 5.5.2019. Kabal Singh was taken to Maxico. At the asking of Surender Kumar, Rs.75,000/- was paid to his wife Neetu Sharma by the complainant. Subsequently Kabal Singh went missing.

Surender Kumar and his wife did not return the money to the complainant, rather Surender Kumar threatened the complainant that if he came to him again, then he would get him killed. He refused to return affidavits, cheques etc. to the complainant. In that way, the complainant was defrauded of Rs.26,75,000/-. On receipt of such complaint, formal FIR wads registered.

Apprehending their arrest in this case, petitioners/accused had approached the Court of Sessions seeking grant of pre-arrest bail but their such applications were dismissed by the Court of learned Additional Sessions Judge, Karnal vide order dated 31.8.2020. As such, they have approached this Court asking for similar relief by way of filing separate petitions, which are being opposed by the State counsel and counsel for the complainant.

I have heard learned counsel for the parties besides going through the record.

As per the prosecution version, both the accused had duped the complainant of substantial amount of Rs.26,75,000/- on the pretext of sending the complainant and his brother to America without actually honouring that commitment. The petitioners/accused come out to be fraudsters cheating innocent persons of their hard earned money running into lakhs of rupees. The involvement of Neetu Sharma in the whole transaction also comes out to be there since the complainant has levelled specific allegations that on one occasion at the asking of Surender Kumar, he had given Rs.75,000/- to his wife Neetu Sharma, which was on 19.8.2019. The involvement of Surender Kumar in the scam is definitely there so is that of his wife Neetu Sharma, though it is being projected by learned counsel for the petitioners that she had just received money on behalf of her husband and did not share any common intention with her husband to play any fraud with the complainant and his brother Kabal Singh. Keeping in view the increasing cases of human trafficking in the region inasmuch as clever and manipulative persons take advantage of the simplicity and lack of awareness amongst ordinary persons, who are willing to pay any amount to go abroad in search of greener pastures. Several of such persons lose their lives either while being taken from one one place to other through rivers, seas, forests and on border. Several such persons get arrested by the local police and have to suffer long incarceration and in many cases such persons are deported to the country of their origin. The travel agents are mushrooming even in remote parts of State of Punjab. The majority of such travel agents do not possess valid licenses for sending people abroad and they rather try to extract money from innocent persons by befooling and defrauding them making tall promises of assuring their migration abroad without actually meaning to do so or say without being in a position to do so. As submitted by the State counsel Surender Kumar petitioner is involved in another similar case of cheating and fraud vide FIR No.273 of 2020. The allegations against the petitioners in this case are quite serious and grave, which require custodial interrogation to find out as to how the scam was planned and executed. The recovery of the money said to have been paid by the complainant to the petitioners as well as other documents given by him to them is to be effected. In case custodial interrogation of the petitioners is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for.

Therefore, no case for grant of pre arrest bail to either of the petitioners is made out.

Thus, the petitions stand dismissed.

(H.S. MADAAN)
JUDGE

21.9.2020
Brij

1. Whether reportable? **No**

2. Whether speaking / reasoned? **Yes**