

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

CRM-M-28284-2020 (O&M)

Date of decision : 30.09.2020

Gurlal Chahal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashok Giri, Advocate for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ANIL KSHETARPAL, J. (ORAL)

CRM-24317-2020

The prayer in the application is to place on record documents.

The application is allowed.

The documents as mentioned in the application are taken on record, subject to all just exceptions.

Main case

The petitioner prays for grant of pre-arrest bail in a criminal case arising from FIR No.447 dated 06.08.2020 registered under Section 406/420 of the Indian Penal Code, 1860 and Section 24 of the Immigration Act (Sections 384/370/506 of IPC added later on) at Police Station Karnal City, District Karnal.

In a nutshell, the case of the prosecution has been noticed by

the learned Additional Sessions Judge, Karnal in para 3 of its order dated 07.09.2020, which is extracted as under:-

“3. It is the case of the prosecution that present FIR stood registered on the complaint made by Amarjeet Kaur wife of Gurdeep Singh, resident of Nissing, District Karnal. It is the substance of the allegations that petitioner/accused Gurlal Singh Chahal had initially taken sum of ₹ 17 Lakhs in cash on different dates from the complainant to send her son Sukhdev Singh abroad in a legal way. But victim Sukhdev Singh landed in jail in Maxico on the charge that he illegally entered into the country and tried to cross border. Complainant mother when protested to the petitioner for his act of sending victim abroad in illegal way, petitioner/accused switched off his mobile phone and became unavailable. When contacted, petitioner started abusing complainant and rather demanded ₹15 Lakhs more to arrange release of victim from the jail in abroad. Complainant paid said money also. In this way, complainant alleged that petitioner has cheated complainant to the extent of ₹32 Lakhs”

Learned counsel for the petitioner has submitted that the first informant's son has reached in the United States of America and was never confined in the prison in Mexico. He further contends that the petitioner did receive a sum of Rs.11,00,000/-, however, he spent Rs.9,00,000/- to engage a lawyer for getting the first informant's son released from U.S. Jail.

On the other hand, Sh. Chetan Sharma, AAG, Haryana, has drawn attention of the Court to the transcript of the conversation produced by the learned counsel for the petitioner between him and the first informant. He has contended that the petitioner is involved in helping the young boys

from the area to illegally migrate to U.S. He further contends that the petitioner is a habitual offender as there are 5 more FIRs with similar allegations against the petitioner.

Keeping in view, the aforesaid facts and without commenting on merits of the case, this Court does not find it appropriate to grant concession of pre arrest bail to the petitioner.

Accordingly, the present petition is dismissed.

30.09.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No