

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

202

CRM-M-28485-2020.

Date of Decision: 16.12.2020.

Jagira Ram

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Sumeet Puri, Advocate for petitioner.

Mr. Vikrant Pamboo, Deputy Advocate General, Haryana.

Mr. S.S. Momi, Advocate for the complainant.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

This petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to petitioner in case FIR No.227 dated 06.05.2020 under Sections 406 and 420 IPC and Sections 10 and 24 of Immigration Act, registered at Police Station Pehowa, District Kurukshetra.

Learned counsel for petitioner *inter alia* contends that concocted story has been put forth at the instance of complainant, whereas no such offence as alleged had ever taken place. He further urges that no amount whatsoever as alleged came into the account of petitioner. He further urges that as a matter of fact complainant in collusion with his relation Darshan has got prepared a forged affidavit of petitioner just to

FIR is nothing but sheer abuse of process of law. He further urges that no recovery is to be effected at the instance of petitioner, therefore, his custodial interrogation is not required. He further urges that though petitioner has no nexus whatsoever with the alleged offence, he is ready to join investigation as and when called upon to do so by the Investigating Agency and, thus, concession of pre-arrest bail may be extended to him.

On the other hand, learned State counsel assisted by learned counsel for the complainant while opposing the cause of petitioner urges that complainant was induced to pay a sum of Rs.30,90,000/- by the petitioner and his co-accused to send his sons abroad (Canada). He further urges that at Delhi Airport, both sons of complainant were not allowed to board the flight as travel documents were not genuine and faced with this situation, petitioner was asked to return the amount but to no avail. He further submits that petitioner alongwith co-accused had executed affidavit dated 20.12.2019 admitting above said transaction and that too after having received a sum of Rs.20 Lakhs on 20.12.2019 from the complainant. He further submits that withdrawal of huge amount approximately Rs.20 Lakhs from the accounts of complainant and his sons and that too on 20.12.2019 for payment thereof to petitioner/accused, is well evident from the bank details available on record. He further urges that as petitioner indulged in unlawful activity, his custodial interrogation is necessitated to find out the *modus operandi* whereby illegal documents were got prepared and further recovery of cheated amount is also to be effected and as such concession of pre-arrest bail cannot be extended to petitioner.

I have heard learned counsel for the parties and have carefully gone through the contents of petition as well as replies furnished at the instance of respondent-State and the complainant.

Without commenting anything on the merits of the case, lest it may prejudice the case of either of the parties, allegedly complainant was induced to pay a sum of Rs.30,90,000/- by the petitioner and his co-accused to send his sons abroad (Canada). In this scenario, the menace of human trafficking and illegal immigration is on the rise and the unauthorized travel agents/agencies are luring and duping the unemployed youth of this country by showing them green pastures abroad which subsequently land them in trouble and there are numerous examples to this effect. The travel agents charge hefty amount and the gullible youth fell victims to such travel agents who had promised them greener pastures abroad. Fate of such youth is in doldrums when they are found stranded or found present illegal in a foreign territory. Persons who cheated innocent youth of this country on allurements of sending them abroad do not deserve any leniency. The tendency and frequency of such culprits managing such like rackets in order to misappropriate heavy amount and cheat innocent people, have been tremendously increasing day by day which is adversely affecting the health of the society.

Pre-arrest bail to an accused should be granted in exceptional circumstances as a person couched in comparative safety of the pre-arrest bail would certainly not disclose all the facts within his knowledge. In a given situation, custodial interrogation of petitioner is certainly required for complete and effective investigation. In case, same is denied to the Investigating Agency that shall leave many glaring loopholes and gaps, adversely affecting investigation, which is uncalled for. Keeping in view totality of entire scenario and nature of offence, no extra-ordinary ground has been made out in favour of petitioner for his entitlement of pre-arrest

As a sequel to above, instant petition for grant of pre-arrest bail moved by the petitioner is dismissed.

(LALIT BATRA)
JUDGE

16.12.2020
jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No