

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

205

CRM-M-30620-2020.

Date of Decision: 05.11.2020.

Sandeep Singh

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Namit Khurana, Advocate for petitioner.

Mr. Tanuj Sharma, Assistant Advocate General, Haryana.

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.147 dated 28.05.2020 under Sections 406 and 420 IPC and Section 24 of Immigration Act, registered at Police Station Ram Nagar, Karnal, District Karnal.

Short reply dated 27.10.2020 by way of affidavit of Rajiv Kumar, HPS, Deputy Superintendent of Police, Karnal, filed on behalf of respondent-State, is taken on record.

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 as per

Sunny, however, said payment and that too of huge amount is highly improbable as there is no bank transaction detail/document/receipt in support of said plea and further it is not believable that complainant would hand over above said huge amount to the petitioner and that too without any receipt/ documentary evidence. He further urges that allegedly Harvinder, son of complainant, had left India in June, 2019 and deported to India after one year and during above said period, no complaint about alleged cheating was ever lodged by the complainant. He further urges that as a matter of fact monetary transaction between petitioner and complainant has been given colour of crime. He further urges that instant case 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 while opposing the cause of petitioner urges that complainant has been cheated of huge amount of Rs.23,50,000/- by the petitioner on the pretext of sending his son to USA. He further urges that as a matter of fact Harvinder was taken to USA but for want of legal documents, he remained in Police camp for one year and thereafter he was deported to India. He further submits that complainant has given bank details of his account, in terms of which, huge amount was withdrawn and especially a sum of Rs.5 Lakhs was withdrawn on 06.06.2019, when Harvinder had left India for USA. He further urges that complainant has also given details of amounts, which he had borrowed from his friends namely Gurbaj and Satwinder, to pay the same to petitioner. 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 reply furnished at the instance of respondent-State.

Without commenting anything on the merits of the case, lest it may prejudice the case of either of the parties, allegedly petitioner alongwith co-accused cheated the complainant of huge amount of Rs.23,50,000/- on the pretext of sending his son Harvinder to USA and that too in lawful manner, however, for want of legal documents, above said Harvinder suffered detention in abroad and he was deported to India after one year. 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 bail.

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

(LALIT BATRA)
JUDGE

05.11.2020
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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No