IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH
(Heard through Video Conferencing)

Crl. Misc. M- 37139 of 2020 (O&M)
Date of Decision: 18.11.2020

Balwinder Kumar alias Bobby
...Petitioner

Versus

State of Haryana ...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Ankit Rana, Advocate,
for the petitioner

Ms. Deepshikha Chauhan, AAG, Haryana,
for the respondent.

JAISHREE THAKUR, J.

1. The petitioner has approached this court for grant of anticipatory bail in FIR No. 65 dated 05.03.2020 under Sections 420, 406, 467, 120-B IPC and Section 24 of the Immigration Act 1983, registered at Police Station Civil Line, District Kaithal.

2. In brief, the facts as can be culled out are, that a complaint was filed at Police Station Civil Line, District Kaithal, alleging that the complainant had come in contact with one Harman Gill while taking IELTS coaching. As the complainant was desirous of going abroad, the said Harman Gill informed the complainant that her mother could arrange a meeting with Tahir Hussain, who in turn would be able to send her abroad. Consequently, the complainant was introduced to Tahir Hussain through the

mother of Harman Gill, namely Daljit Kaur and the petitioner. On the assurance of the petitioner and Daljit Kaur she deposited part payment in the account of the wife of the petitioner and also handed over her passport. Thereafter, on the asking of the petitioner she gave the balance amount to Tahir Hussain. As stated in the FIR, the complainant made a payment of ₹56 lakhs for going abroad. However, as the complainant was not sent abroad, she tried to get her money back along with her passport but was unsuccessful in the same which resulted in filing of the instant FIR. The bail application of the petitioner herein stands dismissed by the court below which has given rise to the instant petition.

3. Learned counsel for the petitioner would argue that it is Tahir Hussain who has taken the money from the complainant and has failed to honour his commitment of sending the complainant abroad. It is contended that the money received by him was handed over to Tahir Hussain. It is further contended that his role is limited to arranging a meeting between the complainant and the co-accused Tahir Hussain and he was only a facilitator in the entire episode. It is contended that out of an amount of ₹1,15,000/- deposited in the account of the petitioner, an amount of ₹75,000 has been returned by bank transfer along with ₹40,000/- in cash while further contending that the petitioner himself has been used at the hands of the said Tahir Hussain.

4. Per contra, learned State counsel contends that the petitioner was hand in glove with the said Tahir Hussain who had also acted dishonestly by cheating the complainant. The petitioner had introduced the

complainant to Tahir Hussain and on the assurance given by the petitioner that the complainant would be sent abroad the passport had been handed over to the petitioner. A false visa had also been obtained. It is also submitted that there is a flow of funds between the petitioner and the said Tahir Hussain for which he was called by the Investigating Officer but the petitioner did not cooperate in the investigation proceedings.

5. I have heard the learned counsel for the petitioner and the respondent State.

6. The present FIR has been registered at the behest of the complainant—Ritu against accused, namely Harman Gill, Daljit Kaur, Balwinder @ Bobby, Tahir Hussain his mother Arisia and also wife of Tahir Hussain on the allegation that the complainant has been duped of a sum of ₹56 lakhs on an assurance that she would be sent abroad. An amount of ₹7,50,000/- was initially demanded and she was asked to put the money into the bank account of the wife of the petitioner. This amount was duly deposited. Thereafter, money was also paid/deposited in the account of Tahir Hussain. In the month of January 2019, the petitioner took the passport and the Mark sheet of the complainant, however despite having made all the payments the complainant was not sent abroad. In the instant case, there are serious allegations against the petitioner who along with the co-accused cheated the complainant on the false assurance of sending her abroad. There are also allegations of a VISA having been obtained, which is a forged one. Thus, as can be discerned there is apparently a close nexus between the petitioner and the others who induced the complainant to part

with money in order to send her abroad, which did not fructify.

7. The matter requires thorough investigation and therefore no ground is made out for grant of anticipatory bail.

8. Dismissed.

18.11.2020 **(JAISHREE THAKUR)**
prem **JUDGE**

Whether speaking/reasoned Yes
Whether reportable No