

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr.No.202

CRM-M No.972 of 2021

Date of Decision: 24th August, 2021.

Abhishek Kumar

...Petitioner

Versus

State of Haryana

...Respondent

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Vijay Lath, Advocate
for the petitioner.

Mr. S. S.Pannu, DAG, Haryana.

* * * *

MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case pertaining to the FIR bearing No.547 dated 26.09.2020 registered at Police Station Shahabad, District Kurukshetra, under Sections 406 & 420 IPC and Section 10 of the Immigration Act, the petitioner has preferred this petition for seeking the relief of anticipatory bail.

Bereft of unnecessary details, the allegations, as levelled by the complainant in the subject FIR, are that the petitioner took a sum of Rs.3,40,000/- from his son Ram Sharan on the pretext of sending him to Cyprus (Europe) but however, his son was initially sent to Dubai and there, the brother of the petitioner named Sandeep took 2000 Euros from his son for sending him to Turkey and at Turkey, he (Sandeep) arranged one Pakistani agent to take him to North Cyprus who

demanded 4000 Euros from his son and took him (his son) to North Cyprus and thereafter, to South Cyprus and again demanded the said amount from him for sending him (Ram Sharan) to England and on his son's refusal to pay the same, he had been kept confined there for 5-6 months and thus, the petitioner and his co-accused have cheated his son by taking Rs.8,50,000/- in total, from him.

Status-report filed on behalf of the respondent-State, by way of the affidavit of Deputy Superintendent of Police, Crime and Traffic, Kurukshetra, as well as Annexure R-1 and the vernacular version thereof, are already available on the file and the same are taken on the record.

Mr. Harpreet Singh, Advocate, has also joined the proceedings on behalf of the complainant in this case and his power of attorney is already available on the file and the same is taken on the record.

I have heard learned counsel for the petitioner as well as learned State counsel and learned counsel for the complainant in this petition and have also perused the file thoroughly.

Learned counsel for the petitioner refers to Annexure P-2, i.e the complaint dated 27.07.2020 moved by the complainant to the Station House Officer concerned and also to Annexure P-1, i.e the subject FIR and he points out that the factum of the amount of Rs.3,40,000/- having been paid to the petitioner, as mentioned in the subject FIR, has not been disclosed in the said complaint and in his

disclosure statement Annexure R-1, the co-accused of the petitioner named Satnam @ Goldy, has stated that the above-said amount had been paid to the petitioner through him and he contends that the discrepancy qua the payment of the above-said amount to the petitioner in the above-said three documents makes the entire version of the complainant highly doubtful and in these circumstances, the petitioner deserves the relief as prayed for in this petition.

Per contra, learned State counsel as well as learned counsel for the complainant argue that in the said FIR, specific allegations have been levelled against the petitioner regarding his having promised to the son of the complainant to send him to Cyprus and qua his having taken the above-said amount for this purpose and moreover, the son of the complainant was kept in confinement at Cyprus for 5-6 months and was left there in lurch and it being so, the present petition deserves dismissal.

So far as the contention qua the versions, as put-forth in complaint Annexure P-2, FIR Annexure P-1 and the said disclosure statement Annexure R-1, is concerned, the veracity or the truthfulness of the same can and shall be looked into and ascertained by the trial Court at the appropriate stage after appreciating and evaluating the evidence that may be led on the record during the trial proceedings. At the moment, the fact remains that the son of the petitioner was allegedly kept confined at Cyprus for 5-6 months and was left there in dilemma.

Keeping in view all the above-discussed facts and

circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of anticipatory bail.

Resultantly, the petition in hand stands dismissed accordingly.

(MEENAKSHI I. MEHTA)
JUDGE

24.08.2021.
seema

Whether speaking/reasoned?	Yes
Whether Reportable?	No