

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-1570-2021 (O&M)
Date of Decision:- 14.9.2021

Naresh Kumar

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Yashveer Kharb, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by ASI Devender Kumar.

Mr. Ram Karan Agnihotri, Advocate, for the complainant.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No. 608, dated 25.8.2020, Police Station Karnal Sadar, District Karnal, under Section 24 of Immigration Act, 1983 and Sections 406, 420 and 506 IPC (Sections 370 and 384 IPC added later on).
2. The FIR was lodged at the instance of Sheela, wherein it is alleged that she has two children and that her elder son namely Tinku has studied upto matriculation. It is alleged that in the month of

February, 2019, she had a telephonic conversation with Naresh Kumar (petitioner) and who represented that he could send her son to America for an amount of Rs.18 lakhs. The complainant alleges that on 19.3.2019, she sold one acre of land and paid an amount of Rs.18 lakhs to Naresh in installments. Some of the installments were paid at his house and some amount when he returned back to India. It is alleged that he had assured that he would secure a Government job for his son in America. The complainant alleged that however, later she came to know that her son had been jailed in America by the police authorities. Although, Naresh Kumar (petitioner) kept on assuring that he will get her son released and get him a Government job, but neither he was released nor any job was arranged and ultimately the son of complainant was deported from America. When the complainant asked Naresh to return the amount, he flatly refused for the same and rather threatened to eliminate the complainant.

3. Learned counsel for the complainant has submitted that he has falsely been implicated in the instant case and the falsity of the case would be evident from the fact that when the complainant had initially submitted an application on 7.8.2020 to the Deputy Commissioner, Karnal, she had levelled allegations against one Mohit who was alleged to have held out a representation that he would send complainant's son abroad and had taken an amount of Rs.7 lakhs and had got complainant's son boarded on a flight on 19.3.2019.

4. Learned counsel has further submitted that in fact the petitioner was not even in India during the period in question and as such the falsity of the entire case is clearly evident.
5. Opposing the petition, learned State counsel has submitted that it is no doubt correct that in application dated 7.8.2020 (Annexure P-2), apart from name of Naresh, the name of Mohit is also referred who is alleged to have taken Rs.7 lakhs but in fact subsequently, a compromise had been effected amongst the complainant and said Mohit and Mohit having returned the amount of Rs.7 lakhs taken by him, the complainant did not chose to lodge the FIR against him and lodged the same only against Naresh who had taken an amount of Rs.18 lakhs. It has been submitted that even in application dated 7.8.2020 (Annexure P-2), the name of Naresh clearly figures and that Naresh was based in USA and while holding out false representations had made the complainant to pay an amount of Rs.17/18 lakhs on the pretext of taking her son to USA and for getting him a job whereas infact her son was ultimately jailed and deported from USA. Learned State counsel has further informed that the petitioner has not even chosen to join investigation despite directions issued by this Court.
6. I have considered rival submissions addressed before this Court.
7. The petitioner is categorically named in the application (Annexure P-2) wherein the name of Mohit also figures, but the complainant chose not to name Mohit in the FIR, as the matter apparently stood compromised with him. In any case, there is no contradiction as regards the allegation to the effect that Naresh had taken an amount

of Rs.18 lakhs from the complainant for settling her son in the USA. It appears that complainant's son was taken to USA by some dubious means leading to his arrest in USA and ultimately his deportation. The said facts would rather substantiate the allegation levelled by the complainant. Such like practices where unscrupulous persons capitalize on the desires of the unemployed youth to go abroad but leave them in lurch cannot be encouraged. The petitioner, in any case, has not even chosen to join investigation even before the trial Court or even pursuant to directions issued by this Court. As such, no special case for grant of anticipatory bail is made out.

8. The petition is sans merit and the same is hereby dismissed.

14.9.2021

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No