

103 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6236-2021
Date of Decision: 18.02.2021

LABH KUMAR GOYAL

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr.Rohan Sharma, Advocate for
Mr.Ferry Sofat, Advocate for the petitioner
Mr.Kuldeep Tewari, Additional A.G. Haryana

Deepak Sibal, J. (Oral)

Case taken up through Video Conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.799 dated 19.11.2020 registered under Sections 10 of the Immigration Act, 1983 and Sections 406, 420, 370, 506 IPC at Police Station Thanesar City, District Kurukshetra.

Briefly stated, the case of the prosecution is that one Bharat Chopra had sent the complainant's son to Singapore where he stayed for two years; after returning to India and staying here for about two years, in February 2019, the complainant and his son again met Bharat Chopra as the complainant's son wanted to immigrate to Canada; Bharat Chopra told the complainant that the petitioner, his son Hitesh Goyal and Manjinder Singh Bajwa were the right persons to get the complainant's son immigrated; Bharat Chopra spoke to the petitioner and other co-accused and then demanded Rs.26 lakhs from the complainant; thereafter, on several

occasions the petitioner, his son Hitesh Goyal and Manjinder Singh Bajwa met the complainant and his son in Bharat Chopra's office in Kurukshetra and assured them that on payment of the demanded amount the complainant's son would get immigration to Canada; on 10.06.2019 the complainant paid the initial amount of Rs.50,000/- and on the asking of the accused persons gave them his son's passport, Aadhar Card etc; on 15.06.2019 Bharat Chopra sent the complainant to the petitioner and his son Hitesh Goyal who demanded and received from the complainant an amount of Rs.15 lakhs in the form of a cheque; the petitioner took the cheque in the name of his son Hitesh Goyal after disclosing to the complainant that such cheque could not have been taken by him in his own name as he was employed in a Bank; thereafter the complainant paid Rs.8 lakhs to the petitioner and his son; the complainant's son was then taken by the petitioner and his son to Delhi; the petitioner's son kept the complainant's son and another person in a hotel in Delhi for 40-45 days and kept on assuring them that their Visas would be procured any day; they were further informed that their air tickets had been got cancelled for some reason and he would get the same renewed; the other victim was then made to fly from Delhi and the complainant's son from Amritsar but instead of Canada he was sent to Philippines where another agent took the complainant's son passport and took him to a hotel from where he was arrested and put in jail; even presently the complainant's son is in a jail in the Philippines and the petitioner, in spite of repeated requests has refused to return the amount of Rs.23.50 lakhs taken by him from the complainant.

Learned counsel for the petitioner contends that the petitioner has been been falsely implicated in the case for the alleged misdeeds of his

son Hitesh Goyal; the story set up by the complainant that his son is in a jail in Philippines is wrong and that his son is roaming around in Philippines at his own will; two of the persons who had also been accused by the complainant namely Bharat Chopra and Manjinder Singh Bajwa, after investigation, have been found innocent by the police and that the petitioner is ready and willing to join investigation.

Learned State counsel who appears on advance notice opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner is a habitual offender being involved in at least 6 other criminal cases of similar nature where he has defrauded different complainants for lakhs of rupees and CRM-M-6731-2021 – Labh Kumar Goyal vs. State of Haryana which the petitioner had filed seeking anticipatory bail in a similar matter was dismissed as withdrawn on 12.02.2021.

The petitioner along with his son Hitesh Goyal is alleged to have allured the complainant to part with Rs.23.50 lakhs to get his son immigrated to Canada but instead of sending the complainant's son to Canada he was sent to Philippines where due to improper documentation given to him by the petitioner and his son he is alleged to have landed in a jail where he is further alleged to be even today.

In another case involving similar allegations the petitioner had sought anticipatory bail from this Court through CRM-M-6731-2021 which was dismissed on 12.02.2021 through the following order:-

“The arguments raised on behalf of the petitioner having not received a favourable response from the Bench and not to invite a decision on merits lest it may prejudice the case of the petitioner at a later stage, learned counsel for the petitioner seeks to withdraw the present petition.

Permitted to do so.

Dismissed as withdrawn.”

In view of the above and for the reason that the petitioner is facing 5 more criminal cases of similar nature as also to find out the modus operandi and whether he has duped other innocent persons no merit is found in the present petition.

Dismissed.

It is clarified that the above observations have been made by this Court to decide the present petition seeking anticipatory bail in which investigation is still going on and therefore these observations be not construed as opinion on the merits of the case.

18.02.2021

gk

(Deepak Sibal)

Judge

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No