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

CRM-M-7281-2021
Date of Decision: 06.04.2021

KARAN DEEP SINGH

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr.Keshav Pratap Singh, Advocate for the petitioner
Mr.Rupinder Singh Jhand, 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.389 dated 04.07.2020 registered under Sections 406, 420, 467, 468, 471, 506 IPC and Section 24 of Immigration Act, 2009 at Police Station Assandh, District Karnal.

Briefly stated, the case of the prosecution is that the petitioner is a teacher in an ILETS coaching centre; he resides in the same village as the complainant; the complainant was desirous to settle his son abroad; the petitioner induced the complainant to part with several lakhs of rupees on the pretext of settling the complainant's son in Australia; the complainant's son was then taken by co-accused Anil to Bangkok but since there was no Visa/ documentation from there to go to Australia, after forcing the complainant to part with more money, the complainant's son was brought back to India; when the complainant demanded his money back from the petitioner he was abused and threatened; during the course of investigation it came to light that the petitioner had fabricated bank statements of the complainant's son to show that he had therein considerable bank balance and that such an exercise was done by the petitioner to help the complainant's son in securing his visa.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case; the petitioner is a teacher who has no connection whatsoever with any travel agent and there is also no evidence in this regard; it is co-accused Anil who had taken the complainant's son to Bangkok from where both of them came back; there is no evidence of entrustment of any money to the petitioner; as per agreement dated 05.12.2019 between co-accused Anil, the petitioner and another associate teacher of the petitioner namely Vikram, the petitioner has been completely exonerated by co-accused Anil; to show his bona fide the petitioner is willing to deposit with the Trial Court an amount of one to two lakh rupees and that the petitioner is also ready and willing to join investigation as and when called by the investigating agency.

Learned State counsel, who appears on advance notice, submits that the petitioner is a habitual offender as there is another criminal case of similar nature pending against him; in the FIR in question the petitioner is attributed a specific role with regard to demand and acceptance of money by him from the complainant on the pretext of sending the complainant's son to Australia; recovery of documents/ money is to be made from the petitioner; whether the petitioner has duped other persons in a similar manner needs to be probed and the veracity of the alleged agreement dated 05.12.2019 needs to be gone into but in any case the same shows a link between co-accused – Anil, the petitioner and Vikram (co-accused in the other FIR against the petitioner).

The petitioner, who is a teacher in an ILETS coaching centre, has two criminal cases pending against him in both of which the allegations are that he, in connivance with a travel agent, by taking undue benefit of aspirations of young innocent persons of getting them settled in foreign lands, has duped them of lakhs of rupees.

In the case in hand the petitioner is alleged to have played an active role in alluring the complainant's son; demanding money from the complainant for sending and getting his son settled abroad and that there are also specific allegations of entrustment of money by the complainant to the petitioner. Further, as per the prosecution's case the petitioner has fabricated bank statements of the victim/ complainant's son to show therein adequate balance, when the victim had no bank account, so that such document(s) could add weight to the victim's application for visa.

In view of the above serious allegations against the petitioner; his criminal antecedents; to go into the issue of the aforesaid bank statements allegedly manufactured by the petitioner and to look into the genuineness of the agreement dated 05.12.2019, on which the petitioner relies, the petitioner's custodial interrogation is considered necessary especially when the agreement on which the petitioner relies prima facie shows a link between the petitioner, his co-accused- Anil -a travel agent and Vikram (co-accused in the other FIR of similar nature against the petitioner).

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.

06.04.2021 **(Deepak Sibal)**
gk **Judge**

Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No