

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

**CRM-M-9148 of 2021**

**Date of Decision: 30.09.2021**

Malkit Singh

*.....Petitioner*

*Versus*

*State of Haryana*

*.....Respondent*

**CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present: Mr. B.S. Saroha, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

**HARINDER SINGH SIDHU, J**

Prayer is for grant of anticipatory bail in case FIR No.441 dated 12.08.2020 under Sections 406,420 IPC and Sections 10 & 24 of Immigration Act, 1983 registered at P.S Pehowa (Sadar Pehowa), District Kurukshetra.

On 26.02.2021, following order was passed by this Court:

*“The case is taken up through video conferencing on account of COVID 2019.*

*Prayer is for grant of anticipatory bail in case FIR No.441 dated 12.08.2020 under Sections 406 and 420 of IPC and Sections 10 and 24 of the Immigration Act, 1983 registered at Police Station Pehowa (Sadar Pehowa), District Kurukshetra, Haryana.*

*FIR was lodged on the complaint of Kuldeep Singh s/o Shri Ranjit Singh, who stated that he came in contact of the petitioner, who assured to send him to Amercia in a sum of Rs. 28 lacs. He also assured that it would be his responsibility to provide appropriate job to the complainant. It is alleged that on 24.04.2018, an amount of Rs. 15 lacs was handed over to the petitioner by the complainant at his residence at village Bodhni. After some days, the complainant received a telephonic call from the petitioner informing him that he got his Visa of*

*America and flight has been arranged from Delhi. However, the complainant did not reach America but was sent back to India from Fiji as his Visa was not proper. The entire incident was narrated to the petitioner by the complainant, on which he stated that he will again send him to America. Thereafter, the petitioner again arranged the Visa for America and his flight was got arranged from Delhi to Ecuador. On his arrival at Ecuador, the complainant was asked to cross the forest, to which, he refused and asked him that he got arranged Visa for America. On refusal for going in illegal manner, the petitioner started harassing the complainant and his family and grabbed Rs. 13 lacs from his family members by showing some dangerous videos of the complainant with some boys and on account of continuous harassment committed by the petitioner and other accused the maternal uncle of the complainant, father and one Lilu gave the amount of Rs. 13 lacs to the petitioner at his office at Pehowa. Even after making the payment of the said amount by the family of the complainant, associates of the petitioner took the complainant forcibly to Mexico through passage of the Forests, seas and camps, where they were arrested. Thereafter, some associates of the petitioner came and took the complainant to a hotel. The associates of the petitioner made the complainant gain entry to America after crossing the river. In U.S.A. the complainant was arrested by the police and kept in jail for 9 months. Thereafter, the complainant was sent back to India in July, 2019. When the complainant and his family asked for the return of the money, the petitioner refused to return the money, but later he returned Rs. 5 lacs and the remaining 23 lacs is still outstanding.*

*Learned counsel for the petitioner states that the complainant had agreed to go abroad at his own risk and responsibility and he was fully aware of the risks he would have to face. He states that infact an amount of Rs. 8 lacs has been returned to the complainant. Learned counsel for the petitioner further states that to show his bona fide, the petitioner is ready to deposit demand draft of a sum of Rs. 10 lacs in the name of the complainant with the Registry of this Court.*

*On oral request of the petitioner, complainant, namely Station*

*Pehowa, District Kurukshera is impleaded as respondent No.2.  
Notice of motion including to newly added respondent No. 2 for  
29.04.2021.*

*Meanwhile, in the event of arrest, the petitioner shall be  
released on interim anticipatory bail to the satisfaction of the  
Arresting/ Investigating Officer, subject to the conditions  
provided under Section 438(2) Cr.P.C. This shall be subject to  
deposit of demand draft of a sum of Rs. 10 lacs in the name of  
the complainant with the Registry of this Court within two  
weeks. The petitioner is also directed to join the investigation  
and cooperate with the Investigating Agency, as and when  
required.*

*It is made clear that, if the aforesaid amount is not deposited  
within two weeks, the interim order granted herein, shall stand  
cancelled.*

Learned counsel for the petitioner very fairly submits that the  
petitioner has not deposited the amount, in terms of order dated 26.02.2021  
as aforesaid.

Learned State counsel has also not disputed this fact.

It was made clear that if the amount was not deposited within  
two weeks, the interim order would be cancelled.

In view thereof, present petition is dismissed for non-  
compliance of order dated 26.02.2021.

**September 30, 2021**  
**manoj**

**(Harinder Singh Sidhu)**  
**Judge**

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