

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

CRM-M-12444 of 2021

DECIDED ON: 7th JULY, 2021

Ritesh Verma and another

.....PETITIONERS

VERSUS

State of Punjab and another

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Kushagra Mahajan, Advocate for petitioners.

Ms. Monika Jalota, DAG Punjab.

Mr. Pradeep Sharma, Advocate for complainant.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This petition is filed for grant of anticipatory bail in case of FIR No.26 dated 4.3.2020 under Section 420 IPC and Section 13 of the Punjab Travel Professional (Regulation) Act, 2014, registered at Police Station Mahilpur District Hoshiarpur.

This Court vide order dated 18th March 2021, granted interim bail subject to joining investigation. The order is reproduced below:

"The matter has been taken up through video conferencing.

Learned counsel for the petitioners inter alia contends that the petitioners have been falsely implicated in this case; they have no other criminal case pending against them; they are in the business of advising as to how students may study abroad for the last several years and have successfully sent thousands of students abroad for study

purposes including students to Chile (South America); none of the students who have gone abroad to study after consulting the petitioners have ever filed any complaint against them; in the case in hand, the complainant had not contacted the petitioners and had sought admission in Chile through one Manu Kanwar; the petitioners had also sent several students to Chile through MCI, Chile but in the year 2017 when that company became bankrupt the petitioners stopped sending any student through them; in the present case after the complainant had sent the money to Chile and his VISA was refused Manu Kanwar had come to the petitioners for help but since MCI, Chile had gone bankrupt the petitioners were not in a position to help him and that the petitioners are ready and willing to join the investigation as and when called by the investigating agency.

Notice of motion.

Mr.Sandeep Kumar, DAG, Punjab, accepts notice on behalf of the respondent and prays for time to argue the matter.

Adjourned to 07.07.2021.

In the meanwhile subject to the petitioners' joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438 (2) Cr.P.C, in the event of their arrest in FIR No.26 dated 04.03.2020, registered under Section 420 IPC and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014, at Police Station Mahilpur, district Hoshiarpur, they shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.

Before the adjourned date the State shall file a concise status report.

Learned counsel for the the petitioners is also directed to implead the complainant."

Learned State counsel on instructions from SI Om Parkash submits that the petitioners have joined investigation and are cooperating in the investigation.

Learned counsel for the complainant submits that the Sessions Judge had rejected the anticipatory bail as the money was to be recovered. The contention is that petitioner never adhered to settlement of refund of the amount. The contention is that bail should be granted conditionally subject to making of payment.

The matter *prima-facie* appears to be money transaction. The recovery of disputed amount cannot be made pre-requisite for grant of bail especially considering the facts of the present case. As per the instructions received by State counsel the petitioner has jointed investigation and is cooperating.

As no custodial interrogation is needed, the interim bail granted on 18th March, 2021 is made absolute.

Disposed of accordingly.

It is clarified that nothing stated hereinabove shall be construed as an observation on the merits of the case.

7th JULY, 2021
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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>