

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

CRM-M-29506 of 2021

Date of Decision: 28.07.2021

Raman

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Bhuwan Vats, Advocate for the petitioner.
Ms. Harpreet Kaur, AAG, Haryana.
Mr. Raghav Sharma, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

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

This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 284 dated 7.7.2020, under Sections 406, 420, 467 and 468 IPC, registered at Police Station KUK, District Kurukshetra.

The FIR was at the instance of Pardeep Kumar. As per the allegations, five accused including the petitioner duped the complainant on the pretext of arranging visas for his daughter for United States of America and for his son for Australia. A sum of Rs.9,00,000/- was paid by the complainant through RTGS and cheques. As per the case set up, it was the petitioner who met the complainant in the office of Tour and Travel Office, Birla Temple Chowk, Kurukshetra. At his instance, the payment was made. The case is not of merely duping of the money but fake visas were provided to the complainant.

Learned counsel for the petitioner submits that the money was received by accused No. 3 and 4 and not by the petitioner. It is they who have given the cheques for return of money. No case is made out against the petitioner as he belongs to Kurukshetra whereas the main accused belong to Fatehgarh Sahib (Punjab).

Learned counsel for the State appearing on advance notice opposes the prayer for grant of pre-arrest bail. The argument is that the petitioner is the main accused. It is he who managed the entire affair and at his instance the payments were made. The contention is that it is not only question of receiving payment and returning the same, it is a case where fake visas were provided. The role of the petitioner is to be established and his custodial interrogation is required.

Though the complainant has not been impleaded as a party, Mr. Raghav Sharma, Advocate puts in appearance on behalf of the complainant.

The petitioner is specifically named in the FIR. As per the allegations, he played an active role in the entire episode. The issue as rightly pointed out by learned counsel for the State is not only limited to receipt of money or return thereof but the accused went further and provided fake visas. The matter needs deeper probe. The working and *modus operandi* needs to be unearthed.

The contention that the petitioner belongs to Kurukshetra whereas accused No. 3 and 4 belong to Fatehgarh Sahib is of no help to the petitioner. As per the allegations in the FIR, the complainant met the petitioner and other co-accused at their office at Kurukshetra.

A compromise dated 25.2.2020 is annexed with the petition, though not pressed at the time of arguments. It is an indication that the accused are in a position to influence the witnesses and the complainant.

No ground is made out for grant of pre-arrest bail.

The petition is dismissed.

[AVNEESH JHINGAN]
JUDGE

28th July, 2021

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1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No