

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

202

**CRM-31594-2021 in/and
CRM-M-26833-2020 (O&M)**

Date of Decision: 04.10.2021

Krishan Lal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Aditya Bhushan, Advocate, for
Mr. S.S.Chhokar, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Harjit Singh.

GURVINDER SINGH GILL, J. (Oral)

CRM-31594-2021

In view of the reasons mentioned in the application, the same is allowed and the documents are taken on record as Annexures A-1 & A-2 subject to all just exceptions.

CRM-M-26833-2020

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.0009 dated 03.01.2020 at Police Station City Thanesar, under Section 10 of the Immigration Act and Section 420 IPC.
2. The FIR, in the present case, was lodged at the instance of Manish Kumar, wherein it has been alleged that he has been duped of an amount of Rs.21 lakhs by Bakshish Singh @ Bagga Singh @ Bawa Singh and Satyawar. It is alleged that the complainant

Manish Kumar met Satyawar in February 2019, who represented that he alongwith Bakshish Singh @ Bagga Singh @ Bawa Singh is doing the work of sending people abroad and in case the complainant desires, he could be sent to America. Being taken in by the said representation, the complainant alongwith his father and Krishan went to Satyawar's office and met Satyawar and Bakshish Singh @ Bagga Singh @ Bawa Singh where they told the complainant and his father that the complainant would be sent to America in about 15-20 days and for which the complainant would have to incur an expenditure of Rs.21 lakhs. The complainant being allured and taken in by the said representation gave his passport and an advance of Rs.1 lakh, which was deposited in the bank account of Bakshish Singh @ Bagga Singh @ Bawa Singh. On 05.06.2019, Satyawar informed the complainant that complainant's Visa has been arranged and handed over his passport and air ticket and the complainant was sent to Malaysia and from thereon he was sent to Pipon and then to Cambodia, where he stayed for about 19 days and from Cambodia the complainant was sent to Mexico, where he was caught by the officials of Immigration Department and was sent behind bars, where he was kept confined for 5 months. It is alleged that thereafter Satyawar and Bakshish Singh @ Bagga Singh @ Bawa Singh called the complainant's father and told him that in case he wanted his son to reach America, then he would have to make a

payment of another Rs.20 lakhs and accordingly complainant's father handed over an amount of Rs.21 lakhs to Satyawar on 25.06.2019, which he had arranged from members of his family and friends and ultimately the complainant was deported back to India by Government of Mexico on 25.11.2019.

3. Learned counsel for the petitioner submits that he is nowhere named in the FIR and that it is Satyawar and Bakshish Singh against whom allegations have been leveled in the FIR, wherein it is specifically alleged that they had cheated the complainant of an amount of Rs.21 lakhs on the pretext of sending him to America. Learned counsel has further submitted that it is on the basis of a disclosure statement allegedly made by Satyawar that the petitioner has been nominated as an accused, who has stated to the effect that the petitioner had received an amount of Rs.50,000/- as commission. Learned counsel has further submitted that apart from the said bald disclosure statement, there is no other evidence to connect the petitioner with the alleged fraud and that as such, he deserves the concession of anticipatory bail.
4. Opposing the petition, learned State counsel has submitted that the factum of transfer of an amount of Rs.50,000/- in the account of the petitioner from the account of the brother-in-law of the complainant by way of two cheques has been duly established and verified and which clearly shows that the petitioner is also associated with the co-accused. Learned State counsel has, thus,

submitted that in these circumstances, the custodial interrogation of the petitioner would be required to unearth the finer details of the entire *modus operandi* of the accused.

5. I have considered rival submissions addressed before this Court.
6. A perusal of the FIR would show that it is against the co-accused Satyawar and Bakshish Singh that specific allegations regarding they having held out a false representation to the complainant to the effect that they would send him abroad have been leveled and it is only against the said two that the allegation pertaining to handing over of an amount of Rs.21 lakhs has been leveled. The petitioner is nowhere named in the FIR. Although the prosecution does claim that Satyawar co-accused has made a disclosure statement nominating the petitioner to be a beneficiary to the extent of Rs.50,000/-, but the admissibility and veracity of such like statement would be debatable particularly when it is nowhere stated that the petitioner had ever held out any false representation or had accepted amount of Rs.21 lakhs. In these circumstances, in opinion of this Court, it is a fit case for grant of anticipatory bail to the petitioner. The petition, as such, is accepted and the petitioner, in the event of arrest, be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with

**CRM-31594-2021 in/and
CRM-M-26833-2020 (O&M)**

-5-

the Arresting/Investigating Officer and shall abide by the
conditions as provided under Section 438(2) Cr.P.C.

04.10.2021

Vimal

**(GURVINDER SINGH GILL)
JUDGE**

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