

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

203

CRM-M-34458-2021

Date of Decision : November 25, 2021

SUMIT NAIN

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Pratham Sethi, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

Mr. Nonish Kumar, Advocate
for the complainant.

JASGURPREET SINGH PURI. J. (Oral)

The present petition is filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.232 dated 15.6.2021 under Sections 406, 420, 506 IPC and Section 24 of the Immigration Act, registered at Police Station, Butana, District Karnal.

It has been submitted by the learned counsel for the petitioner that it is a case where the petitioner has been falsely implicated and as per the allegations contained in the FIR, he had taken Rs.7 lacs from the complainant with a promise to provide visa etc. Learned counsel submitted that the petitioner is not in the business of any immigration and he is rather running a school alongwith his father and details of same have been mentioned in para No.2 of the petition. He further submitted that the allegations are concocted on the face of it and even otherwise also in pursuance of the order passed by this Court on

24.8.2021, the petitioner has joined the investigation and he has fully co-operated with the investigation process. Apart from this, he has submitted that be that as it may, the dispute, if any, would be of a civil nature and, therefore, such FIR itself was not maintainable.

On the other hand, learned State counsel has submitted that it is correct that in pursuance of the order passed by this Court on 24.8.2021, the petitioner has joined the investigation. However, the recovery of the aforesaid amount of Rs.7 lacs is yet to be made from the petitioner.

Mr. Nonish Kumar Advocate appearing on behalf of the complainant has submitted that although all the documents have been received back by the complainant but the amount of Rs.7 lacs has not been received.

Mr. Sethi, learned counsel for the petitioner at this stage submitted that the amount of Rs.7 lacs was alleged to be given in cash and, therefore, the argument raised by the learned counsel for the complainant was not sustainable.

I have heard the learned counsels for the parties.

This Court had granted interim bail to the petitioner vide order dated 24.8.2021 and the stand taken by the learned State counsel today is that the petitioner in pursuance of the aforesaid order has joined the investigation. The only opposition to grant of anticipatory bail was that the recovery of Rs.7 lacs is yet to be made. This Court is of the opinion that the recovery of an amount in such like cases cannot be become a ground for denial of anticipatory bail.

Consequently, the present petition is allowed and order dated 24.8.2021 is, hereby, made absolute.

November 25, 2021
ajay-1

(JASGURPREET SINGH PURI)
JUDGE

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