

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

(1) **CRM-M-4336-2021 (O&M)**

Mridul Kapri ...Petitioner

Versus

State of Haryana ...Respondent

(2) **CRM-M-5377-2021 (O&M)**

Chetan Sabharwal ...Petitioner

Versus

State of Haryana ...Respondent

(3) **CRM-M-10021-2021 (O&M)**

Balraj Singh ...Petitioner

Versus

State of Haryana ...Respondent

(4) **CRM-M-13319-2021 (O&M)**

Tilak Raj ...Petitioner

Versus

State of Haryana ...Respondent

(5) **CRM-M-18444-2021 (O&M)**

Gagan Gupta ...Petitioner

Versus

State of Haryana ...Respondent

Date of Decision:- 17.11.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Naresh Kumar Chhokar, Advocate for the petitioner
in CRM-M-4336-2021.

Ms. Shaveta Sanghi, Advocate for the petitioner
in CRM-M-5377-2021.

Mr. K.S. Brar, Advocate for the petitioner(s)
in CRM-M-10021-2021 and CRM-M-18444-2021.

Mr. K.S.Sidhu, Senior Advocate with
Mr. Luvraj Dhindsa, Advocate for the petitioner
in CRM-M-13319-2021.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Karambir.

GURVINDER SINGH GILL, J.

1. This order shall dispose off the above mentioned five petitions filed on behalf of Mridul Kapri, Chetan Sabharwal, Balraj Singh, Tilak Raj and Gagan Gupta seeking grant of regular bail in a case registered against them vide FIR No. 357 dated 15.9.2020 under Sections 406, 420, 419, 201, 370/120-B IPC, Section 12 of the Passport Act, 1967 and Section 24 of the Immigration Act, 1984 at Police Station Pundri, District Kaithal, Haryana.
2. The FIR was lodged at the instance of Vijay Kansal wherein it is alleged that he has two children i.e. daughter Nidhi Kansal, aged 18 years and son Kunal Kansal, aged 17 years. In 2016, the Principal of Dhruv Public School Fatehpur Pundri, District Kaithal where the complainant's son Kunal Kansal was studying, told the complainant that she is going to take some school children on educational tour to NASA America and that in case the complainant wanted to send his children, it will cost ₹2.50 lacs out of which an amount of ₹30,000/- for making passport and issuance of VISA will have

to be paid in advance and the balance amount of ₹2.20 lacs may be paid when the children proceed on tour. The Principal further represented that she had spoken to Chetan Sabharwal and Mridul Kapri, owners of M/s Click Education Private Ltd. Chandigarh for completing necessary formalities. The complainant alleged that he handed over passport of his son Kunal Kansal to Chetan Sabharwal and Mridul Kapri for the purpose of getting a VISA issued. However, in September, 2017, he was informed that the passport of his son has been misplaced. Though, the complainant was assured by Chetan Sabharwal and Mridul Kapri that they will get a new passport issued for complainant's son Kunal Kansal but they did not get any duplicate passport issued. Later, the complainant came to know that Chetan Sabharwal and Mridul Kapri had sold off the passport of his son Kunal Kansal to Balraj Singh, owner of K.P. Tour and Travels, Jalandhar and to Tilakraj, owner of M/s Sir Marshall Tourism Corporation, Jalandhar and through the passport of complainant's son some other person had been sent to USA in an illegal manner. The complainant alleged that the aforesaid accused had been sending several persons abroad in dubious manner.

3. The learned counsel representing the petitioners have submitted that the petitioners have falsely been implicated in the present case and that there is no evidence to connect them with the alleged fraud. It has further been submitted that in any case, challan already stands presented and that the petitioners who have been availing interim bail since the last more than one year have not misused the same, and as such deserve the concession of regular bail.
4. Opposing the petitions, the learned State counsel has submitted that having regard to the fact that the petitioners are specifically named in the FIR and

there are specific allegations as regards the manner in which they had defrauded the complainant, they do not deserve the concession of regular bail. It has further been submitted that the petitioners had been able to secure interim bail by holding out false representations of likelihood of a compromise whereas no such genuine effort was ever made for effecting a compromise. It has also been informed that the petitioners otherwise have earlier been lodged in jail for about 4 months and that challan already stands presented.

5. This Court has considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances and the nature of allegations and also the fact that challan already stands presented and the petitioners otherwise have been on interim bail since the last more than one year and have not misused the concession of bail, the petitions are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
7. A photocopy of this order be placed on the file of connected cases.

17.11.2022

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No