IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-5383-2021 (O&M)
Date of Decision:- 17.11.2022

Chetan Sabharwal ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Ms. Shaveta Sanghi, Advocate for the petitioner.

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

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GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of regular bail in a case registered against him vide FIR No. 382 dated 3.10.2020 under Sections 406, 420, 419, 201, 370/120-B, 467, 468, 471 IPC, Section 12 of the Passport Act, 1967 and Section 24, 25 of the Immigration Act at Police Station Pundri, District Kaithal, Haryana.

2. The FIR was lodged at the instance of Ravikant wherein it is alleged that he works as Commission Agent and has two children i.e. daughter Mashish Mehla, aged 17 years and son, aged 10 years. In 2016, the Principal of Dhruv Public School Fatehpur Pundri, District Kaithal where the complainant's daughter Mashish Mehla was studying, told the complainant that she is going to take some school children on education tour to NASA America through M/s Click Education Private Ltd. Chandigarh 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

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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 complainant paid ₹30,000/- and handed over passport of his daughter Kashish Mehla to Chetan Sabharwal and Mridul Kapri for the purpose of getting a VISA issued. Chetan Sabharwal and Mridul Kapri, owners of the M/s Click Education Private Ltd. Chandigarh who got interviewed the children in USA Embassy on 11.5.2016 and B-1 and B-2 VISA in respect of four children for the NASA Tour were issued. However, he was informed that the passports of three children including of his daughter have been misplaced. Though, the complainant was assured by Chetan Sabharwal and Mridul Kapri that they will get a new passport issued for complainant's daughter Kashish Mehla 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 daughter Kashish Mehla to Balraj Singh, owner of K.P. Tour and Travels, Jalandhar and others and through the passport of complainant's daughter some other person had been sent abroad in an illegal manner. The complainant alleged that the aforesaid accused had been sending several persons abroad in dubious manner.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that there is no evidence to connect him with the alleged fraud. It has further been submitted that in any case, challan already stands presented and the petitioner who has been availing interim bail since the last more than one year and has not misused the same, deserves the concession of regular bail.

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4. Opposing the petition, the learned State counsel has submitted that having regard to the fact that the petitioner is specifically named in the FIR and there are specific allegations as regards the manner in which they had defrauded the complainant, he does not deserve the concession of regular bail. It has further been submitted that the petitioner had been able to secure interim bail by holding out false representations of liklihood of a compromise whereas no such genuine effort was ever made for effecting a compromise. It has also been informed that the petitioner otherwise has 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 petitioner otherwise has been on interim bail since the last more than one year and has not misused the concession of bail, the petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

17.11.2022 **(Gurvinder Singh Gill)**
kamal **Judge**

Whether speaking /reasoned Yes / No
Whether Reportable Yes / No

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