

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4766-2020
Reserved on: 21.04.2022
Pronounced on: 09.05.2022

Sachin Kumar
Versus
State of Haryana & others
...Petitioner(s)
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
Present:- Mr. J.S. Cooner, Advocate
for the petitioner.
Mr. Manish Bansal, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
325	28.11.2018	Mahesh Nagar, Ambala	406, 420 IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. Vide order dated 16.3.2022, this Court had granted interim anticipatory bail to the petitioner with a view that he cooperates with the investigator.
3. Learned counsel for the petitioner has referred to paragraph no.3 of the bail petition as well as his statement of his account (Annexure P-1) and argued that the petitioner acted as an agent for Aryan Saini and Shakir Hussain and had deposited all the amount received by him in the account of Aryan Saini and his sister Anjali Pahuja.
4. Ld. Counsel for the petitioner contends that the custodial investigation would serve no purpose whatsoever, and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
5. Ld. counsel representing the State opposes bail on the ground that a sum of Rs.17,00,000/- is yet to be recovered in the case and the petitioner is the main accused and the role of other accused is yet to be ascertained.

REASONING:

6. The case of the petitioner is that he was acting as an agent of Aryan Saini and

Shakir Hussain. In the nutshell, the allegations against the petitioner are that he allured the complainant that he would get him lucrative job in South Africa and under that pretext, made him to transfer a sum of Rs.4,50,000/-. He had received similar amount from large number of people. The petitioner kept them assuring that the visa would be granted and also took them to Mumbai airport, from where, under the pretext that there is some defect in the visa, sent them back. On reaching Delhi, he filed some complaint against Aryan Saini and Shakir Hussain. After that, he entered into a compromise with the complainant and others assuring them to return their money, which was never returned.

7. Undoubtedly, the act of the complainant to procure visa through illegal, unfair and unethical means is highly condemnable, as it brings a bad name for the entire country, yet it in no way justifies the act of *thuggee* committed by the petitioner *prima facie* in connivance with Aryan Saini and Shakir Hussain. Thus, custodial investigation of the petitioner is required in order to know the nexus with Aryan Saini and Shakir Hussain and other persons of the gang involved in the act of *thuggee*. Furthermore, the custodial investigation is also required to unearth the involvement of other persons in the racket.

8. In the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner fails to make a case for anticipatory bail under section 438 CrPC. Needless to say that the concerned Superintendent of Police will depute a competent person or himself inquire into the role of Aryan Saini and Shakir Hussain and proceed in accordance with law.

9. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

Petition dismissed and interim protection recalled with immediate effect. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

May 9, 2022
AK

Whether speaking/reasoned:
Whether reportable:

Yes
No.