

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

(I) CRM-M-6874-2022 (O&M)

Himansh Verma Petitioner

Versus

State of Punjab and another Respondents

(II) CRM-M-5671-2022 (O&M)

Chander Kanta Petitioner

Versus

State of Punjab Respondent

(III) CRM-M-6193-2022 (O&M)

Sourav GabaPetitioner

Versus

State of Punjab ... Respondent

Date of Decision:---31.10.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Bipan Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate,
Mr. Amandeep Pannu, Advocate,
Mr. Prabhdeep Singh Bindra, Advocate,
Mr. Rishabh Singla, Advocates,
for the petitioner(s) in CRM-M-6874-2022 &
CRM-M-5671-2022.

Mr. Shivam Garg and Mr. Lalit Singla, Advocates,
for Mr. Ankur Mittal, Advocate,
for the petitioner in CRM-M-6193-2022.

Mr. Gaurav Garg Dhuriwala, Addl. AG, Punjab,
assisted by SI Hardev Singh.

Mr. A. P. S. Deol, Sr. Advocate with
Mr. H. S. Deol, Advocate,
Mr. Arvind Kashyap, Advocate for the applicant/complainant.

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GURVINDER SINGH GILL, J.

1. This order shall dispose off the above mentioned three petitions filed on behalf of Himansh Verma, Chander Kanta and Sourav Gaba seeking grant of anticipatory bail arising out of FIR No.136 dated 15.10.2021 under Sections 406, 420, 465, 467, 468, 471/120-B IPC at Police Station Navi Baradari, District Police Commissionerate, Jalandhar.
2. The FIR was lodged at the instance of Robin Talwar wherein it is alleged that the complainant runs the business of VISA consultancy and immigration under the name and style of EVI. The complainant came into contact with Himansh Verma through Amit, who is a common friend. Himansh Verma claimed to be having links in Hungarian Embassy and represented that he could secure “Students VISAs” for 250 students per semester. Himansh Verma said that an amount of ₹ 3 lacs would, however, be required to be paid in advance. Upon negotiations, the said amount was settled at ₹2 lacs per student. Upon complainant’s request, Amit agreed to provide financial assistance so as to pay some amount in advance to Himansh Verma and accordingly Amit presented a draft dated 10.10.2019 for an amount of ₹80 lacs to Himansh Verma as advance payment in respect of 59 students who were interested to get student’s VISA for Hungary. Himansh Verma further

stated that another amount of ₹44,000/- per student would be charged as Embassy fee to be paid at the time of interview. It is alleged that in the month of November, 2019, Himansh Verma handed over letter for 59 candidates from a college and represented that the remaining offer letters would be made available in January, 2020. It is alleged that in January, 2020 all the clients of the complainant, paid an amount of ₹44,000/- to Himansh Verma and went to Embassy accompanied by Sourav Gaba, Prithvi Singh, Dalip and Shanty. After one month, the complainant and others were told that VISAs have been refused. When the complainant approached Himansh Verma and his mother and requested them to return the amount which they had taken in advance, they flatly refused to return the same and rather issued threats to the complainant and challenged him to do whatever he wished to do. The complainant alleged that the VISAs had been declined as Himansh Verma has submitted forged documents despite having been told by the complainant not to do so.

3. The learned counsel representing the petitioner Himansh Verma has submitted that the petitioner has been falsely implicated in the present case and that there is no evidence worth credence to connect him with the allegations as made in the FIR. It has been submitted that no amount was ever paid to him by the complainant and infact even as per the FIR, it is one Amit who had prepared a draft which infact is not in favour of the petitioner but is favouring M/s Navrattan Group, whose sole proprietor is petitioner Himansh Verma and that said draft had actually been given by Amit Kumar on account of some business relationship between Amit Kumar and the said

Group in respect of which an agreement had also been entered into amongst the said parties.

4. The learned counsel has further submitted that the petitioner Himansh Verma had never undertaken to send any of the students abroad and that it is one organisation namely “Jan Jagriti Manch” which had sent names of 175 students for their admission in some university in Hungary which included the 59 students as mentioned in the FIR, as would be evident from the letter Annexure P-4. The learned counsel has submitted that the said request of “Jan Jagriti Manch” was, however, declined by the authorities in Hungary due to some migrant crisis. The learned counsel has referred to a letter (Annexure P-5) stated to have been written by Hungarian authorities.
5. The learned counsel has submitted that the petitioner Himansh Verma has been falsely involved in a string of cases and infact the draft in question has been used twice over for the purpose of lodging two FIRs and while the present FIR has been lodged at the instance of Robin Talwar, another FIR based on the same draft was lodged subsequently by Amit Khurana.
6. The learned counsel representing the petitioner Chander Kanta has submitted that she has no role whatsoever in the alleged scam and that she has been falsely implicated merely on account of the fact that she happens to be mother of Himansh Verma so as to pressurize him and to extort money or to force him to make false disclosures/confessions. It has been submitted that even as per the FIR, neither any representation was held out by the petitioner Chander Kanta nor any amount was ever received by her.

7. The learned counsel representing Sourav Gaba has submitted that a perusal of the FIR would show that the only role attributed to him is that he had accompanied the prospective students to Hungarian Embassy when they were to appear before the Embassy for the purpose of their interview and admittedly he had not come into picture any time before the said interview and there is no allegation whatsoever regarding the petitioner Sourav Gaba having held out any representation qua grant of VISA or having accepted any amount from any of the students or from the complainant. The learned counsel for petitioner Sourav Gaba, while referring to photographs P-8 and P-9, has pleaded *alibi* and has submitted that on 12.1.2020 he was present at “Mobe Club” in Sector 26, Chandigarh and on 13.1.2020, he was celebrating Lohri festival with his family at his residence.
8. Opposing the petition, the learned State counsel, assisted by counsel for the complainant, has submitted that the petitioner Himansh Verma is a seasoned con-man and stands involved in several cases and is evading arrest in several cases involving fraud of hundreds of crores, wherein proclamation proceedings and even “Lookout Notice” had also been issued. It has been informed that the petitioner has recently been apprehended by the police in Nepal. The learned State counsel has submitted that there are direct and unambiguous allegations against the petitioner and the draft of ₹80 lacs had been credited in the account of firm M/s Navrattan Group which is a fraudulent company being operated by none else but the petitioner Himansh Verma. The learned State counsel has submitted that though the petitioner has tried to set up a case that the amount of ₹80 lacs had been given by Amit to his company on account of some other business/monetary transaction but

said assertion does not find any corroboration. It has been submitted that although as per report of FSL, the same did bear signatures of Amit Kumar but the Handwriting Expert at FSL who had given the said report did not enjoy good reputation having been involved in corruption and FIR was also registered against him, though he was later acquitted.

9. The learned State counsel has also submitted that although the petitioner Himansh Verma relies upon letters of one “Jan Jagriti Manch” and of Hungarian Authorities (Annexure P-4 and Annexure P-5) but upon investigation, the said letters have been found to be forged and never issued by the authorities concerned, as has also been specifically referred in the report under Section 173 Cr.P.C. filed against co-accused Prithvi, Surinder Singh @ Shanty and Nitin Dhawan @ Golu who had been arrested.
10. The learned State counsel has also informed that the petitioner Himansh Verma stands involved in several other cases, the details of which is furnished herein under :-
 1. FIR No. 22 dated 1.2.2010 under Section 420 IPC, P.S. Jandiala
 2. FIR No. 187 dated 24.5.2010 under Sections 406, 420, 465, 467, 468, 471 IPC, P.S. Kotwai, Patiala
 3. FIR No. 12 dated 16.1.2020 under Sections 406, 498-A, 506, 389/120-B IPC, P.S. City Gurdaspur
 4. RCBD/1/E/0002 dated 7.3.2016 under Section 120-B, 409, 420, 467, 468, 471 IPC, 13(1)(c) & (d), 13(2) of PC Act by CBI
 5. RCBD/1/2017/E/0001 dated 23.3.2017 under Section 120-B read with Sections 420, 467, 468, 471 IPC, 13(1)(d)& 13(2) of PC Act by CBI
 6. ECIR/JPZO/01/2016 by Enforcement Directorate.

11. After registration of the instant case, the petitioner also has been arrayed as an accused in the following cases

1. FIR No. 81 dated 24.10.2021 under Sections 224, 323 IPC, P.S. Sector 3, Chandigarh.
2. FIR No. 150 dated 17.11.2021 under Sections 370, 406, 420 IPC, P.S. Navi Baradari, Jalandhar.
3. FIR No. 177 dated 17.12.2021 under Sections 420, 465, 467, 468, 471/120-B IPC
4. FIR NO. 8 dated 22.1.2022 PS North Chandigarh under Section 420 IPC and Section 12 of the Passport Act.
5. FIR No. 40 dated 23.2.2022 under Sections 406, 420 IPC, P.S. Phase-1, Mohali.

12. The learned State counsel has informed that infact the police at one point of time was able to apprehend the petitioner from Mumbai on 21.10.2021 and was flown to Mohali on transit remand for being further taken to Jalandhar and while on the way he was taken to Chandigarh to search his residence i.e. House No. 1191, Sector 8, Chandigarh but he managed to escape from police custody on 24.10.2021 and has ever since been on the run. It has also been informed that a lookout notice has also been issued against him by a Court at Jaipur.

13. The learned State counsel, assisted by counsel for the complainant, has submitted that the petitioner has disintitiled himself for grant of any relief of anticipatory bail inasmuch as he had tried to flee from country by changing his identity and by getting a passport issued under the name of 'Himansh Verma' whereas earlier he was having a passport under the name of 'Himanshu Verma'.

14. The learned State counsel while drawing attention of this Court to conduct of petitioner Himansh Verma has pointed out that the petitioner had also filed petitions seeking quashing of the present FIR as well as other FIRs wherein he initially managed to get interim orders in his favour by way of concealment of material facts but subsequently when the said facts were brought to the notice of the Court concerned, he withdrew the said petitions. The learned counsel, in this regard, has drawn the attention of this Court to order dated 17.2.2022 passed in CRM-M-6621-2022 and also order dated 18.2.2022 passed in CRM-M-6741-2022 wherein directions have been issued that no coercive action be taken against the petitioner. However, subsequently, the said petitions were dismissed as withdrawn vide order dated 22.4.2022 when the factum of filing of similar petitions on earlier occasions was brought to the notice of the Court.
15. The learned State counsel, while opposing the petitions filed on behalf of petitioners Chandra Kanta and Sourav Gaba, has submitted that they are part and parcel of the entire scam and that Sourav Gaba had infact accompanied some of the prospective students to Delhi for the purpose of their interview and as such, his complicity is clearly evident.
16. This Court has considered rival submissions addressed before this Court.
17. As far as the facts are concerned, the name of the petitioner Himansh Verma clearly figures in the FIR. A draft of an amount of ₹80 lacs had been furnished to him by the complainant through Amit Kumar. Though, the petitioner claims that the said amount was for a different purpose but the same is a fact which is not corroborated, particularly given the fact that there

are other circumstances indicating complicity of the petitioner Himansh Verma and also his conduct which can hardly be appreciated. Although the petitioner Himansh Verma has set up a case that the students were not to be sent through him but through another organisation i.e. “Jan Jagriti Manch” and has referred to documents Annexure P-4 and Annexure P-5 but upon investigation, the said documents had been found to be fake and fabricated documents. The petitioner stands involved in several other cases.

18. It is on record that the petitioner who had been apprehended on 21.10.2021 from Mumbai and had been brought to Mohali and had thereafter been taken to his residence in Chandigarh, fled from police custody on 24.10.2021 and in respect of which FIR No.81 dated 24.10.2021 under Sections 224, 323 IPC was lodged as Police Station, Sector 3, Chandigarh.
19. Further, the very fact that the petitioner changed his name and got a fresh passport issued under a different name with changed spellings and a different address and had attempted to flee from country and was later found in Nepal goes a long way to show his conduct so as to disentitle him for grant of anticipatory bail. The petitioner otherwise is stated to be presently in detention in connection with some other case having been held in Nepal. The petitioner also has a tendency to conceal facts from Court as is evidenced from his previous petitions filed under Section 482 Cr.P.C. The said fact is noticed in order dated 22.4.2022 passed in CRM-M-6741-2022 and CRM-M 6748 of 2022 wherein said petitions were dismissed as withdrawn when the factum of filing of similar petitions on earlier occasions

was brought to the notice of the Court. As such, finding no special case for grant of anticipatory bail to Himansh Verma, his petition is hereby dismissed.

20. As far as the case of petitioners Chander Kanta is concerned, there is hardly anything concrete against her in the FIR. There is no such allegation against her to indicate that she had ever held out any representation to the complainant or to any other candidates/students or had accepted any amount. In any case, she is a lady, aged 58 years. In these circumstances, the petition qua petitioner Chander Kanta is accepted and the interim directions issued by this Court vide order dated 10.2.2022 are hereby made absolute subject to the condition that the petitioner shall continue to appear before the Investigating Officer as and when called upon to do so and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
21. As far as the petitioner Sourav Gaba is concerned, he is alleged to have accompanied some students to the Embassy of Hungary at Delhi when they were to be interviewed. In the absence of any other clinching evidence to establish as to whether he is also beneficiary and part and parcel of the larger conspiracy, this Court is of the opinion that he can also be extended the benefit of anticipatory bail and the petitioner in the event of his arrest shall be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

22. In view of the discussion made above, while the petition made on behalf of Himansh Verma is dismissed, the petitions on behalf of Chander Kanta and Sourav Gaba are hereby accepted.
23. It is clarified that upon dismissal of the anticipatory bail on behalf of Himansh Verma, he shall not be entitled to any protection on the basis of any general orders extending protection to him qua his arrest in the present FIR.
24. A photocopy of this order be placed on the files of connected cases.

31.10.2022

kamal

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No