

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-7550-2022

Date of Decision:-21.09.2022

Gian Chand.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Ashish Grewal, Advocate for the Petitioner.

Mr. Vikrant Pamboo, DAG Haryana.

Ms. Ishita Jain, Advocate for the Complainant.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in the petition under Section 438 Cr.PC is for grant of anticipatory bail in case FIR No.408 dated 13.10.2021 under Sections 406, 420, 506 IPC and Section 10 & 24 of Immigration Act registered at Police Station Jagadhri City, District Yamuna Nagar, Haryana.

The brief facts of the case are that the FIR came to be registered at the instance of Randhir Singh who stated that he was unemployed. The petitioner who was a former *Sarpanch* of village Chhajju Nagla met him (complainant) and told him that he had contacts in Dubai and could send the complainant there for which a sum of Rs.5,00,000/- was to be paid by him to the petitioner. When he (complainant) informed him that he did not have the said amount of money, the petitioner stated that he was to give a sum of

Rs.2,10,000/- to get his file prepared. The said amount was given to the petitioner on 09.04.2020 and the petitioner also took his educational certificates, photos, ID proof and passport and said that he would prepare the file and send it forward and the complainant should arrange the rest of the amount. Thereafter, as no action was taken by the petitioner to send him abroad, the complainant asked for the return of the amount of Rs.2,10,000/- which was denied by the petitioner.

The Counsel for the petitioner contends that the petitioner filed the present bail application and on 23.02.2022 the following order was passed:-

“ Learned counsel contends that as per allegations, the complainant had paid a sum of Rs.2,10,000/- to the petitioner on his promise to facilitate his visit to Dubai. He submits that the said transaction allegedly took place in April, 2020 when the said amount was paid in cash and the FIR has been lodged after a long delay on 13.10.2021 to falsely implicate the petitioner. He submits that the petitioner is not involved in any other case of similar nature, therefore, at this stage, his custodial interrogation may not be necessary and he is willing to join the investigation.

Notice of motion for 05.08.2022.

At this stage, Ms. Ishita Jain, Advocate has appeared and filed vakalatnama on behalf of the complainant and the same is taken on record.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Thereafter on 05.08.2022 the following order was passed:-

“ The Counsel for the petitioner submits that he is ready and willing to join investigation once again and provide the passport of victim-Randhir Singh.

List on 21.09.2022.

*The petitioner is directed to join investigation on 16.08.2022.
Interim order to continue.”*

Today the matter came up for hearing once again and the petitioner has denied that the passport of the complainant was in his possession.

The Counsel for the State has also informed the court that the petitioner though has joined investigation, he is not co-operating in the same in as much as the various documents of the complainant including his passport and educational certificates have not been returned by the complainant.

The counsel for the complainant has also stated that not only his amount has been refunded back by the petitioner but the various documents of the complainant have also not been returned.

I have heard learned Counsel for the parties at length.

The allegations against the petitioner are grave. Despite being armed with an interim order he has still not thought it appropriate to co-operate with the investigating agency by getting the necessary recoveries effected. Therefore, the petitioner is certainly not entitled to the grant of anticipatory bail as recoveries have to be effected and the investigation has to be taken to its logical conclusion.

In view of the above,I find no merit in the present petition, which is hereby dismissed.

**(JASJIT SINGH BEDI)
JUDGE**

September 21, 2022
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>