

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-17081-2022

DATE OF DECISION: APRIL 29, 2022

VARUN ARORA

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. PARMINDER SINGH, ADVOCATE FOR THE PETITIONER.
MR. BHUPENDER SINGH, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.480 dated 19.12.2020, under Section 406, 420, 467, 468, 506 IPC and Section 24 of Immigration Act, 1983, Police Station Taraori, District Karnal, who is in custody since his arrest on 4.1.2022.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Karnal in the order dated 12.4.2022, are as under:-

“4. It is the case of the prosecution that complainant Harpal Singh son of Baldev Singh resident of village Nadana, Tehsil Nilokheri, District Karnal, on 19.12.2020 made a complaint to the police. In the said complaint, these facts were disclosed that complainant/milkman was supplying milk to the accused/petitioner Varun Arora. Petitioner projected that he was carrying the business of sending people abroad since he was having good connections in embassy. Complainant trusted petitioner. Complainant asked petitioner to send his brother-in-law Gursewak to Australia. Petitioner demanded

₹13,50,000/- for the said work. Complainant had in the month of July, 2019 paid ₹5,00,000/- cash to the petitioner. Balance sum of ₹8,50,000/- was to be paid on arrival of victim Gursewak in Australia and issuance of work permit.

5. *Thereafter, petitioner had called complainant and victim to his office, where victim had given his passport to the petitioner. After that, petitioner Varun Arora had on 04.07.2019 sent victim Gursewak to Thailand by assuring that therefrom his men will facilitate journey of victim to Australia. Victim was sent from Thailand to Cambodia and from there to Vietnam. The agent of the petitioner thereafter left the victim in Vietnam and agent did not turn up. Victim came back to India and contacted petitioner. But petitioner kept on assuring victim that he would be sent back to Australia on a working visa. On the insistence of the victim an affidavit was also executed on 04.12.2019 by the petitioner.*

6. *Thereafter, in December 2019 petitioner/accused again contacted complainant and victim and demanded ₹8,50,000/- for sending the victim to Australia. Complainant paid ₹8,50,000/- to the petitioner in cash at his home. Petitioner as a security had also issued a cheque No.176473 dated 05.03.2020 drawn on Yes Bank in favour of complainant. When victim was not sent abroad, so cheque of the petitioner was presented for payment, but it was dishonoured with the report that there was difference in signatures. Complainant/victim requested the petitioner to return their money, but petitioner refused to return sum of ₹13,50,000/-.”*

Learned counsel for the petitioner has argued that the investigation in the present case is complete and the challan stands filed on

3.3.2022. He further submits that no useful purpose would be served by putting the petitioner behind the bars. He prays for bail.

On the other hand, learned State counsel assisted by ASI Sultan Singh has opposed the aforesaid prayer and argued that the petitioner allured the complainant and made false promises. However, it is not disputed by him that the challan stands filed.

Considering the above background and the custody of the petitioner, and the fact that challan has been presented, however, the charges are yet to framed, the further detention of the petitioner may not be necessary for any useful purpose, as the trial would take considerable time to conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

April 29, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No