

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-28210-2022 (O&M)
Date of Decision:- 29.9.2022

Karamveer Singh Kang

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Bhupinder Ghai, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case registered against him vide FIR No. 43 dated 13.2.2021 under Sections 10 and 24 of the Immigration Act, 1924 and under Sections 406, 420/120-B IPC (Sections 467, 468 and 471 added lateron) at Police Station Uchana, District Jind.
2. The FIR was lodged on the basis of a complaint made by Ajay and one Suresh wherein it is alleged that they are running an office under the name and style of M/s Sarswati Center in Uchana Mandi wherein coaching is imparted. It is alleged that about one year back, they came in contact with Madam Tanisha Singh @ Iti Singh, who represented that she is into business of sending people abroad and introduced the complainants to one Deepak. The complainant, being taken in by the representations made by the said persons, transferred an amount of ₹ 8,27,000/- into the account of Deepak. The complainants, thereafter, were sent to Chennai alongwith Deepak for boarding a flight to Australia. The complainants were made to stay in

Chennai for about six weeks and were thereafter handed over a VISA which was found to be forged. It is further alleged that an amount of ₹3,73,000/- was also given to Iti Singh @ Tanisha towards hotel expenses etc. The complainants, thus, alleged that they had been cheated of a total amount of ₹16,40,000/- by Tanisha Singh @ Iti Singh, Rajbir and Deepak in connivance with each other.

3. At the time of issuance of notice of motion, the following order was passed on 6.7.2022 :-

“Learned counsel for the petitioner submits that the petitioner is not named in the FIR. It has been submitted that the petitions of some of the co-accused, wherein interim bail has been granted, are also pending in this Court and are fixed for 28.9.2022.

Notice of motion for 28.9.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

To be heard alongwith CRM-M-30083 of 2021.”

4. The learned counsel for the petitioner has submitted that the petitioner is nowhere named in the FIR and came to be nominated on the basis of an alleged disclosure statement made by co-accused Deepak, which would hardly carry any evidentiary value and that he otherwise has a clean record.
5. Learned State counsel has not disputed the fact that the petitioner has been nominated on the basis of disclosure statement of co-accused. It has been informed that pursuant to interim directions issued by this Court the petitioner has since joined investigation and is not required for any custodial

interrogation. Learned State counsel has also informed that the petitioner is not wanted in any other case.

6. Having regard to the facts and circumstances of the case, particularly the fact that the petitioner is not named in the FIR and has already joined investigation and is not stated to be required for any custodial interrogation and is also stated to be having a clean record, his custodial interrogation is not warranted.
7. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 6.7.2022 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

29.9.2022

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No