

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

CRM-M-40130 of 2020(O&M)

Date of Decision: January 20, 2022

Anil Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Ms. Niharika Yadav, Advocate
for the petitioner.

Mr.Surender Singh, AAG, Haryana.

Mr. Parveen Kumar Rohilla, Advocate
for respondent No.2.

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HARINDER SINGH SIDHU, J.

This is a petition under Section 439(2) Cr.P.C. read with Section 482 Cr.P.C. for cancellation of anticipatory bail granted to accused-respondent No.2 - Inderdev Saha, vide order dated 08.09.2020, passed by learned Sessions Judge, Rewari in case FIR No.1 dated 01.01.2019 registered under Section 370/34 IPC at Police Station Rampura, District Rewari, Haryana.

The FIR was registered on the allegations made by petitioner-Anil Kumar that accused Devender Singh and Vaibhav were employed in Merchant Navy. They had relations with persons who indulged in human trafficking. These persons took money on the pretext of providing job to unemployed persons in Merchant Navy. They also took money from the petitioner - complainant for providing job to his son Vikas in Merchant

Navy. They sent Vikas to Malaysia from where he went missing.

During investigation name of respondent No.2-Inderdev Saha surfaced in the disclosure statement of co-accused Kumar Vaibhav. Respondent No.2 moved an application for anticipatory bail before the learned Sessions Judge, who vide order dated 08.09.2020 allowed the same by observing as under:-

“Admittedly, the name of the applicant-accused is not figured in the FIR nor any allegation of any kind has been levelled by the complainant against him. The police has implicated the applicant-accused in the present case merely on the basis of disclosure statement suffered by co-accused Kumar Vaibhav. Hon’ble High Court has already granted anticipatory bail to main accused Devender Singh Yadav, vide order dated 18.03.2019 and the case of the present applicant-accused is on similar footing and as such the applicant-accused is entitled for anticipatory bail”

The petitioner filed application for for cancellation of the anticipatory bail granted to respondent No.2 before the Ld. Sessions Judge, Rewari contending that the bail had been obtained by concealing material facts. The name of respondent No. 2 had found mention in the DDR but was inadvertently left out in the FIR. It was also alleged that the nephew of the complainant had received a threatening call from Malaysia which call had been made at the instance of respondent No. 2.

The application was dismissed by the by the Ld. Sessions Judge by observing that no sufficient material had been brought forth by the complainant for cancellation of the anticipatory bail. There was no evidence that the accused had made any telephone call to the complainant or his relative or threatened him in any manner. The police had collected all the

material/ documents regarding this case and nothing remained to be recovered from the possession of respondent No. 2.

Aggrieved, the complainant has filed the present petition.

The respondent - State of Haryana has filed status report by way of affidavit of Rajesh Lohan, HPS, Deputy Superintendent of Police, Rewari, stating that Kumar Vaibhav was arrested on 15.08.2019. He suffered disclosure statement to the effect that the son of Devender namely Vishal had taken a sum of Rs.1.5 lacs from the petitioner for getting a job for petitioner's son (Vikas) in the Merchant Navy. The said amount was deposited by Vishal in the bank account of Kumar Vaibhav and thereafter, visa, ticket, passport were provided by respondent No.2. On 19.07.2018, Vikas son of petitioner along with Rupesh was sent to Malaysia from Hyderabad. They joined service on 23.07.2018 with Mahavir Shipping through respondent No.2. The status report further mentions that it was also disclosed by Kumar Vaibhav that Vikas- the son of the petitioner was terminated from service on 30.11.2018 on the allegations of excessive consumption of liquor. Vikas instead of coming back to India stayed in Malaysia with his friends Naitik Malik and Kartik Rathi. On 25.12.2018, respondent No.2 informed Kumar Vaibhav that he had been informed by Naitik Malik and Kartik Rathi that Vikas had fallen in the river under the influence of liquor. It is further stated that during investigation it has transpired that respondent No. 2 was working as a Director in a Shipping Company in Malaysia and had provided employment to the son of the petitioner. However he had charged excess money from him. It is stated that respondent No. 2 has joined investigation. During investigation he admitted having received Rs. 55,000/- in his bank account and also admitted that he

had got a job for Vikas in Mahavir Shipping Company along with Rajesh. Vikas and Rajesh had joined service in the Shipping Company on 24.07.2018. However Vikas was not performing his duties properly. He left Mahavir Shipping Company and joined some other Ship which matter was reported to the Malaysian Police by Mahavir Shipping Company on 19.12.2018. It is stated that the case is still under investigation and requisite documents are being obtained from the Malaysian counterparts through diplomatic channels.

It is evident that respondent No. 2 has been granted anticipatory bail by the Ld. Sessions Judge after considering all the facts and circumstances. The petitioner has not been able to point out any relevant material which has not been considered. Nor is there any such material in the reply filed on behalf of the State.

Considering the above facts and circumstances, there is no ground to interfere in the order dated 08.09.2020 passed by Ld. Sessions Judge, Rewari granting anticipatory bail to respondent No.2.

Petition dismissed.

January 20, 2022
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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No