

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

CRM-M-44119-2022 (O&M)

Date of decision: 15.11.2022

Maninderjit Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vishal Nehra, Advocate for the petitioner.

Mr. Harkanwar Jeet Singh, AAG Punjab.

Mr. M.K. Dhot, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case FIR No. 130 dated 23.08.2022, registered under Sections 406, 420, 120-B IPC and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014, at Police Station Sadar, District Hoshiarpur.

On 23.09.2022, time was sought was by the learned counsel for the petitioner to place on record the copy of the agreement dated 26.04.2022 and today, he placed on record the same.

Learned counsel for the petitioner submits that the FIR was registered on the complaint of Jasbir Kumar; that as per the allegations, the petitioner in connivance with his father-in-law Naresh Kumar has committed

fraud with the complainant on the pretext of sending him abroad; that after filing of earlier complaint dated 26.03.2022, an agreement dated 26.04.2022 was executed by the petitioner and Naresh Kumar and it was agreed by them that they will pay the money by 26.06.2022 but no money was paid by them and that the complainant has also moved an application against H.R. Sharma, Deepak and Ashwani Kumar, who represented themselves as Visa Officer(s), for affixing fake stamps of Ministry of Home Affairs for getting fake visa for the complainant.

Learned counsel for the petitioner further submits that the petitioner has no role to play in the present case; that the case is triable by the Magistrate and nothing is to be recovered from the petitioner and that the petitioner has falsely been involved by the complainant for the reasons best known to him.

Notice of motion.

On the asking of this Court, learned State counsel accepts notice on behalf of the respondent-State.

Learned State counsel and learned counsel for the complainant submit that the petitioner in connivance with his father-in-law Naresh Kumar, defrauded the complainant to the tune of Rs. 11,80,000/- for sending him Portugal. The as per agreement dated 26.04.2022, Naresh Kumar agreed to pay an amount of Rs. 10 lakh to the complainant on behalf of the petitioner but the petitioner and Naresh Kumar resiled from the agreement.

I have heard the learned counsel for the parties and have also gone through the documents on record.

There is no denying the fact that co-accused Naresh Kumar, who had been entrusted with the money, is the father-in-law of the petitioner. The

allegations in the FIR qua the petitioner and father-in-law are that on the asking of Naresh Kumar and assurance of both i.e. the petitioner and Naresh Kumar, the complainant had handed over the money to them to send him Portugal, but the visa arranged by them was found to be fake and forged. However, neither he was sent abroad nor the money was returned. The agreement dated 26.04.2022 was signed by Jasbir Kumar (complainant), Jaswinder, as First Party and Naresh Kumar, as Second Party.

The allegations of entrustment of the money to accused Naresh Kumar and the petitioner, having been established from the agreement dated 26.04.2022, therefore, this Court is of the opinion that the custodial interrogation of the petitioner to unearth the racket of the people involved in human trafficking (Kabooterbazi) is necessary. Therefore, I do not find any ground to grant him the concession of anticipatory bail.

In view of the above, the present petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

15.11.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No