

2023:PHHC:073139

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

CRM-M-10088-2023

Date of Decision: 19.05.2023

DHEERAJ

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Ms. Ishita Jain, Advocate, for the petitioner.
Mr. Surinder Kumar Dagar, DAG, Haryana.
Mr. Abhishek Dhull, Advocate, for the complainant.

VIVEK PURI, J.(ORAL)

1. On 27.02.2023, the following order was passed:-

“Petitioner is seeking anticipatory bail in case bearing FIR No. 195 dated 30.07.2022 under Sections 406, 420, 120-B IPC & Sections 10 and 24 of Immigration Act, registered at Police Station Chhachhrauli, District Yamuna Nagar.

Learned counsel for the petitioner contends that precisely the FIR has been registered on the allegations that a sum of Rs. 14.5 Lakhs has been taken by the petitioner and the co-accused on the pretext of sending the complainant to Canada. It has been submitted that a sum of Rs. 5,50,000/- has been allegedly paid to the petitioner in cash. There is no document in writing or receipt to indicate the transfer of any amount in favour of the petitioner. Furthermore, the allegations with regard to transfer of Rs. 9 Lakhs through RTGS have been levelled against Harvinder Singh, co-accused. No amount has been deposited in the account of the petitioner.

Notice of motion.

Mr. Ranvir Singh Arya, Addl. AG Haryana accepts notice on behalf of the State.

Mr. Abhishek Dhull, Advocate has put in appearance on behalf of the complainant.

Learned State counsel and counsel for the complainant contend that the passport was handed over to the petitioner and is to be recovered. Besides, the petitioner has handed over forged and fabricated ticket to the complainant, though no such allegation has been specified in the FIR.

Adjourned to 19.05.2023.

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.”

2. Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation.

3. Learned State counsel, on instructions from ASI Jagtar Singh, submits that though the petitioner has joined the investigation but the recovery of cash and passport of the complainant is to be effected from him. During the course of investigation, the petitioner had informed that the passport has been handed over to the co-accused.

4. It may be mentioned here that there is categoric allegation of the complainant that there is no document in writing or with regard to transfer of any amount in his favour and the amount of Rs.9 lac has been transferred through RTGS in the account of Harvinder Singh, co-accused. No amount is stated to have been deposited in the account of petitioner. Moreover, the petitioner is not stated to be in possession of the passport of the complainant.

5. Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 27.02.2023 vide which the petitioner has been granted interim bail, is made absolute.

6. Petition is allowed.

19.05.2023

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Whether speaking/reasoned: Yes/No

(VIVEK PURI)

JUDGE

Whether Reportable : Yes/No