

CRM-M-14065 & 16180-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.205(2 cases)

Case No. : CRM-M-14065-2023

Date of Decision : April 21, 2023

Ved Pal Petitioner
vs.
State of Haryana Respondent

Case No. : CRM-M-16180-2023

Date of Decision : April 21, 2023

Rajbir Petitioner
vs.
State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

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Present : Mr. Sunil Duggal, Advocate
for the petitioner – in both cases.

Mr. Karan Sharma, DAG, Haryana.

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GURBIR SINGH, J. :

Vide this common order, two petitions i.e. **CRM-M-14065-2023** and **CRM-M-16180-2023** filed by accused persons named in the heading, shall be disposed of as the FIR involved in both the petitions is the same i.e. FIR No.240 dated 24.12.2022, under Sections 406, 420 IPC and under Section 24 of the Emigration Act, 1983, registered at Police Station Moohana, District Sonipat.

The case in question was registered on the basis of written complaint of Pappu son of Randhir Singh. As per allegations, Sandeep @ Titu son of Angrez Singh, who is his cousin, assured the complainant for

sending him to America and providing him good work there through petitioners Ved Pal and Rajbir and got him introduced to the petitioners. The complainant met the petitioners who told him that there would be total expenses of Rs.55 lacs for sending him abroad and getting him work there. They also told that they had sent many children to foreign countries who were earning huge amount of money there. The complainant, having agreed for the same, the petitioners received a sum of Rs.2 lacs from him and prepared documents/file. Father of the complainant sold land of his share and on 29.04.2022, gave a sum of Rs.3 lacs to the petitioner Rajbir which was transferred in the account of Rajbir and he gave UIR PUNBB RS202202210644248 by writing on simple papers. They also told that Rs.10 lacs were to be deposited with one Suresh through Mobile No.98130337005. Thereafter, the complainant gave security cheque of Rs.20 lacs bearing No.001041. The complainant had deposited Rs.3,90,000/- in the account of Rajbir and sum of Rs.6 lacs was given to Ved Pal in the house of one Satish. As such, the petitioners received sum of Rs.25 lacs from the complainant on different occasions and under the conspiracy, they sent the complainant firstly to Dubai, from where one person took him for his fingerprints and Europe Visa and took his passport in his possession. The complainant remained there for four months on his own expenses. Thereafter, the said person returned his passport. No work was provided to the complainant there and then, on getting suspicious about the conduct of the petitioners, the complainant returned to his house and met the petitioners. The petitioners then threatened him with dire consequences.

Learned counsel for the petitioners has submitted that whatever

dealing was done by the complainant, was with his cousin Sandeep @ Titu and the complainant want to pressurize the petitioners to grab money from them. The matter is of civil nature. It has further been argued that the complainant was sent abroad but he fell ill there and came back to India on his health grounds. The petitioners have not cheated the complainant and they are ready to join investigation. Therefore, they be granted concession of anticipatory bail.

On the other hand, learned State counsel has opposed the petitions by submitting that the petitioners had received a huge amount of Rs.25 lacs from the complainant. A part of the amount i.e. Rs.3,90,000/- was deposited by the complainant in the account of Rajbir and Rs.6 lacs were given to Ved Pal in the house of one Satish. Since huge amount is still to be recovered from the petitioners and their custodial interrogation is required, they do not deserve the concession of anticipatory bail.

Heard.

As per allegations, it is the case of receiving huge amount of Rs.25 lacs from the complainant on the pretext of sending him to America. It is not the case of the petitioners that they are authorized agents for sending the persons abroad. A part of the payment was transferred in the bank account of petitioner Rajbir and there is prima facie evidence of giving cash amount of Rs.6 lacs to petitioner Ved Pal. Instead of arranging Visa for America, the complainant was sent to Dubai by the petitioners and was kept there. Thereafter, finding something wrong on the part of the petitioners, the complainant returned to India.

The anticipatory bail can only be granted if the allegations are

not so grave and custodial interrogation is not required. A person is not entitled for anticipatory bail in routine. In the case in hand, custodial interrogation of the petitioners is required. If a person is equipped with an order of anticipatory bail in his favour, interrogation becomes a mere ritual. I also draw support from a judgment of Hon’ble Supreme Court in the case of Hosiyar Singh vs. State of Punjab – 2005 (1) CRC, wherein it has been held that discretion to grant pre-arrest bail could be exercised only if the offence alleged to have been committed is not grave and there is no need of custodial interrogation.

Keeping in view the gravity of offence and also the facts that recovery is yet to be effected from the petitioners and it is a case of cheating an innocent person on the pretext of sending him abroad, I do not find it a fit case where anticipatory bail can be granted to the petitioners.

Accordingly, without commenting on the merits of the case, both the petitions i.e. **CRM-M-14065-2023** and **CRM-M-16180-2023** are dismissed.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

A photocopy of this order be placed on the file of the other connected matter.

April 21, 2023
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.