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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-24137-2023 (O&M)

Date of decision: July 07, 2023

Gurpreet

...Petitioner

versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. P.K.S. Phoolka, Advocate for petitioner.

Ms. Svaneel Jaswal, Additional AG Haryana.

ARUN MONGA, J. (ORAL)

Petitioner has filed the instant petition under Section 438 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of anticipatory bail in case FIR No.05 dated 05.01.2023 (Annexure P-1), registered under Sections 420, 406 of the Indian Penal Code, 1860 (for short 'IPC') and Section 24 of the Immigration Act, at Police Station Cheeka, Kaithal, District Kaithal.

2. Per prosecution version, complainant-Dharamvir lodged a complaint stating that one Amarjeet contacted him with Gurpreet and allured him to send his son on study Visa to USA, without clearing the examination of International English Language Testing System (IELTS). Believing them to be genuine, an amount of Rs.36,00,000/- was paid to them i.e. Rs.10 lakh cash and Rs.26,00,000/- through bank remittance. Accused promised that complainant's son Vikas shall sent to America via Dubai. Complainant was coerced to give some more money, which to was paid. However, on landing in Dubai, complainants' son was taken in custody for having a fake/duplicate Visa. Hence the instant FIR.

3. Learned counsel for the petitioner states that petitioner has been falsely implicated in this case by the complainant. No offence is made out against

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the petitioner. He further submits that, in fact, petitioner is himself a victim of fraud committed by one Albert and his accomplice who were paid money for doing the needful. Petitioner himself also wanted to go abroad and merely acted as a middleman to transmit money in Hyderabad to the accounts of persons as instructed by aforesaid accused-Albert. He would further urge that no money, as portrayed, was retained by petitioner. Petitioner is a victim of accused Albert, who promised him also to take him abroad.

4. On the other hand, learned State counsel opposes the petition. He submits that petitioner is fully involved in the case. He has duped the complainant and may be many others, which is required to be unearthed. She further states that custodial interrogation of the petitioner is very much required in order to recover the aforesaid amount and to uncover the whole racket.

5. I have heard rival contentions of learned counsel for the parties and gone through the record.

6. Not only complainant has been cheated of his money but his son had to languish in jail in Dubai when he was taken in custody due to fake visa arranged by the accused. Petitioner pleads that he had further transferred the money received from complainant in the account of some other persons at the instance of accused Albert. However, all that is required to be investigated. Petitioner had applied for grant of anticipatory bail before learned Court below, which was rightly denied vide order dated 17.03.2023. That aside, petitioner is stated to be involved in two more cases of similar nature. The allegations against petitioner are serious in nature. I am of the view that it is a matter which would require a deep and thorough probe and may well entail custodial interrogation of petitioner, if the investigating officer feels so.

7. Even the conduct of petitioner also disentitles him to seek extraordinary relief of anticipatory bail in this case, inasmuch as, on an earlier

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occasion when mater was taken up by a co-ordinate bench, time was sought to implead the complainant as respondent. However, no steps have been taken till date despite subsequently seeking another adjournment before the co-ordinate bench for the same cause.

- 8. Be that as it may, petitioner does not deserve any concession of pre-arrest bail.
- 9. Dismissed.
- 10. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

July 07, 2023

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No