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

CRM-M-33666-2023 (O&M)

Date of Decision: 22.11.2023

Sukhdeep Singh

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Kawalpreet Singh Virk, Advocate for
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

Mr. Manoj Pundir, Advocate
for respondent No. 2.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No.314 dated 02.05.2023 under Sections 406, 420, 467, 468, 471, 506 IPC and Section 24 of the Immigration Act, registered at Police Station Assandh, District Karnal.

2. It has been submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case and in fact there was a pure money dispute between the parties which has been given a criminal flavour. He submitted that the petitioner is working as a Relationship Manager in the HDFC Bank and has got nothing to do with the immigration business at all nor he is holding any office nor he is competent

to do so. He submitted that the allegations against the petitioner were with regard to the fact that the complainant was got introduced with the petitioner by one other co-accused namely, Maghar Singh and that the complainant allegedly had given Rs. 35 lacs to the petitioner on the pretext of sending his son abroad i.e. America and he had given some Visas to the complainant which were fake. He further submitted that the entire story has been concocted by the complainant in this regard and the petitioner is having clean antecedents and is not involved in any other case but due to money dispute a criminal flavour has been given by alleging that the petitioner has taken money for sending his son abroad. He also submitted that in pursuance of the order passed by this Court on 17.07.2023, the petitioner has already joined the investigation and he has fully cooperated with the investigation process and, therefore, the aforesaid interim order may be confirmed.

3. On the other hand, Mr. Naveen Kumar Sheoran, DAG, Haryana has submitted that he has sought instructions from the concerned I.O to state that in pursuance of the order passed by this Court dated 17.07.2023, the petitioner has joined investigation. He has however submitted that the recovery of the amount which is dispute in the present case is yet to be recovered from the petitioner. He submitted that so far as the validity of the Visa has to be fake or not, the same has not been ascertained as yet.

4. Learned counsel appearing on behalf of the complainant submitted that the petitioner has cheated upon the complainant and has taken Rs. 35 lacs and a fraud has been committed upon the complainant and without recovering of the aforesaid amount, the petitioner should not be

granted any relief of anticipatory bail. He further submitted that there are other Whatsapp and Audio recordings from where it is clear that petitioner has taken money.

5. I have heard the learned counsels for the parties.

6. This Court had granted interim bail to the petitioner on 17.07.2023 and as per the learned State counsel and learned counsel for the petitioner, the petitioner has already joined investigation. The only objection which has been raised by learned counsel for the State as well as learned counsel for the complainant was that the disputed amount of Rs. 35 lacs which was allegedly taken by the petitioner has not been returned back and, therefore, the petitioner is not entitled for grant of anticipatory bail. So far as the antecedents of the petitioner is concerned, learned counsel for the parties are *ad idem* that the petitioner is having clean antecedents and is not involved in any other case. The petitioner is stated to be working as a Relationship Manager in HDFC Bank and he is not holding any office of immigration company. This Court is of the view that only for the purpose of recovery of money, anticipatory bail cannot be denied. During the course of arguments it was asked from the learned counsel for the complainant as to whether he has filed any civil suit for recovery etc. to which he stated on instruction that no such suit has been filed. It is also settled law that police is not a recovery agent and it is not a case that the petitioner has not joined investigation whereas it is the case of the State counsel that he has joined investigation.

7. In view of the aforesaid facts and circumstances, the present

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petition is allowed and the order dated 17.07.2023 is hereby made absolute.

22.11.2023
Rakesh

(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned:

Yes/No
2. Whether reportable:

Yes/No