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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-36409-2023 (O&M)

Date of Decision: 18.08.2023

Baljeet Singh

....Petitioner(s)

Versus

State of Haryana and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Pankaj Bali, Advocate, for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

JASGURPREET SINGH PURI, J.

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.62 dated 24.02.2023, under Sections 406, 420, 34, 370 IPC and Section 24 of Immigration Act, registered at Police Station Ambala Sadar.

2. Learned counsel appearing on behalf of the petitioner has submitted that it is a case where the petitioner has been falsely implicated in the present case and in fact the complainant had earlier given a complaint to the police to which he stated that he does not wish to pursue the complaint and thereafter the present FIR was lodged. He submitted that the petitioner was only an introducer and he was not involved in any kind of illegal immigration business. He further submitted that petitioner is not involved in any other case and has got clean antecedents and therefore, he may be

considered for the grant of anticipatory bail.

3. On the other hand, Mr. Mr. Vishal Kashyap, DAG, Haryana on instructions from Jasbir Singh who is present in the Court that it is a case where as per FIR there are direct allegations against the petitioner namely Baljeet Singh that the complainant has given Rs. 15,00,000/- to the aforesaid petitioner, namely, Baljeet Singh for the purpose of sending her son to Europe via Serbia. He submitted that when the son of the complainant reached Hungary and while he was illegally crossing the Hungary border he died. He submitted that apart from the present petitioner, there are other agents also who are doing the business abroad and have also been named in the FIR and the allegations against those agents were that those agents had snatched money from the son of the complainant in Serbia. He submitted that the allegations against the petitioner are direct and very serious in nature where he had sent the son of the complainant abroad and while illegally crossing the Hungary border he died. He submitted that for the purpose of elicitation of truth and qualitative investigation, the custodial interrogation of the petitioner is very necessary and has prayed for the dismissal of the present petition.

4. I have heard the learned counsel for the parties.

5. A perusal of the FIR would show that there are direct allegations against the petitioner that the complainant had given Rs. 15,00,000/- to the present petitioner for sending her son abroad and while the son of the complainant was crossing the Hungary border he died and as per the allegations the money which he had was snatched by the other agents who have also been named in the FIR. The allegations against the

petitioner are not only serious but also grave and the magnitude is also very high. The submission made by the learned State counsel that the custodial interrogation of the petitioner is required for the purpose of elicitation of truth and qualitative investigation cannot be ignored and does carry weight especially in view of the judgment of Hon'ble Supreme Court in *State Rep by the C.B.I. Versus Anil Sharma, 1997(7) SCC 187*.

6. Consequently, finding no merit, the present petition is hereby dismissed.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

18.08.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No