

**101 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-37742-2023****Date of Decision:09.11.2023**

Sonu

...Petitioner

Vs.

State of Haryana and others

...Respondents

Coram : Hon'ble Mr. Justice N.S.ShekhawatPresent: Mr. Pankaj Bali, Advocate
for the petitioner.

Mr. Rajinder Kumar Banku, Deputy Advocate General, Haryana.

N.S.Shekhawat J.

1. The petitioner has filed the present petition under Section 438 Cr. PC with a prayer to grant of anticipatory bail in case FIR No.485 dated 20.09.2022, under Sections 406,420,506,370 of IPC registered at Police Station Pundri, District Kaithal (Annexure P-1).

2. The FIR in the present case was registered on the basis of the statement made by Raghbir, complainant, who stated that he and Kalawati wife of Zile Singh, were labourers. In the month of December 2021, they came in contact with Sonu, petitioner/accused who demanded a sum of Rs.32 lacs each for sending their respective sons abroad. Sonu and his associates namely Suba and Sunita assured the complainant that they would adopt the lawful means and the passports were taken by Sonu, accused. The complainant and Kalawati arranged money by selling their land. On 16.01.2022, their sons namely Gagandeep and Vikram boarded the flight for Dubai. However, Gagandeep son of Raghbir was sent to Serbia on 24.01.2022, whereas Vikram son of Kalawati was kept at Dubai. As per the demand of the accused, Rs.8 lacs were paid to Sonu, petitioner/accused for sending Vikram to Serbia. Later on, both their sons

were sent to Greece through the jungles with the aid of Mafia-gang. They were deprived of food and water etc. They were apprehended by the police at the border of Greece. They were apprehended at Macedonia Border and again Rs.12 lacs were paid by the complainant to Suba and Sunita, upon assurance of taking their sons to America. The passports and other documents of their sons were retained by the agent at Greece and however, their sons were sent to other city through train, there they were arrested by the Greece police and were deported to Turkey. Again a sum of Rs.1.5 lacs was demanded by the accused for returning the passports and other documents to the complainant, but the complainant already refused to give the money to the accused and on this, accused threatened to eliminate their sons. The sons of the complainants rescued themselves with great difficulty and manage to come back to India. The complainants requested the accused to return the money, however, the accused refused to return and rather threatened them.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he had no concern with the allegations levelled by the complainant. The petitioner had no relations with Suba and Sunita and the petitioner had no concern with the business of Suba and Sunita. He further contends that there was no evidence against the present petitioner and he was ready to join the investigation.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that a sum of Rs.15 lacs was paid to the petitioner and Rs.5 lacs were paid to his co-accused Sunita. Apart from that, the passport and other documents of the complainants are with the accused and his accomplices. Learned State counsel

further submits that the investigation in the present case is at the initial stage and the custodial interrogation of the petitioner is required to get effect the recovery of Rs.20 lacs, passport and other relevant documents of the Gagandeep and Vikram. Learned State counsel further submitted that due to non-co-operation by the petitioner, the investigation was not making any headway and enquiry is yet to be conducted from them with regard to other persons involved in the present case.

5. I have heard the learned counsel for the parties and perused the record.

6. From the allegations levelled in the present FIR, it is apparent that specific allegations have been levelled against the present petitioner and his two co-accused. As per the complainants, the petitioner had taken a sum of Rs.15 lacs on the pretext of sending their sons abroad. Even the passport and other documents relating to Gagandeep and Vikram are still in the possession of the petitioner and his co-accused. Thus, in the considered opinion of the Court, the custodial interrogation of the petitioner would be required. Even otherwise, grant of anticipatory bail at the stage of initial investigation may frustrate the Investigating Agency in interrogating the accused and in collecting the useful information and also the material which might have been concealed. Having regard to the incriminating evidence collected so far against the petitioner and also keeping in view the gravity of the offence, this Court is of the considered opinion that it is not a fit case for grant of anticipatory bail. The petition is accordingly, dismissed.

09.11.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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