

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 41016 of 2023(O&M)
Reserved on: 09.10.2023
Pronounced on: 20.10.2023

PHOOL SINGH @ PAWAN

... Petitioners

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Keshav Partap Singh, Advocate and
Mr. Sukhsandesh Singh, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Mr. Sanjeev Kumar Bawa, Advocate
for the complainant.

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SANJIV BERRY, J.

By way of present petition filed under Section 438 Cr.P.C the
petitioner is praying for anticipatory bail in the event of arrest in FIR
(Annexure P-5) detailed as under:-

FIR No.	Dated	Sections	Police Station
190	03.08.2023	420, 406, 120-B IPC, and 24 of Immigration Act, 1983	Sadar Panipat, District Panipat.

2. Briefly stated the case of the prosecution is that present case
was registered at the instance of Bir Chand- complainant stating that he has
three children and his younger son Raj Kumar aged about 25 years wants to
go abroad and for the very purpose he contacted Pawan and Lekh Raj, who
told him that his son Raj Kumar will be sent to Italy within 20 days and took

his passport and an amount of ₹14 lacs from his residence and stated to have finalized the deal with one Prem Kumar resident of Kaithal. On 24.03.2023, Raj Kumar reached Amritsar Airport along with his clothes and important documents on asking of the above stated agents, after reaching there he was told that firstly he will be sent to Dubai and from Dubai, he will be sent to Italy. On 28.03.2023 his son was sent to Dubai and thereafter, agent asked him to be sent through unofficial (Donkey) route to which he clearly refused and told them that he had paid ₹14 lacs to them to take his son via official route. The agents had cheated him and he has no communication with his son since 09.06.2023. He had asked about the whereabouts of his son and after some time the agents started threatening him and his family. He came to know that the above said agents are involved in the business of human trafficking and prayed for legal action against them. Hence the FIR was registered.

3. It has been contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated at the instance of the complainant who happens to be a distant relative too. He submits that infact, the real nephew of the petitioner was planning to go to Italy and he was being financially helped by the petitioner and since the complainant was known to the petitioner and the complainant was trying to send his son abroad, petitioner had simply informed complainant that he is getting help from one Apollo Immigration Consultancy and had introduced the complainant and his son Raj Kumar to the aforesaid consultancy services. He submits that the petitioner has no role in such immigration consultancy except introducing the complainant and his son to the said agency since his

own nephew had also contacted the said agency for going abroad and it was decided by the said agency run by Umarpal Rana, Prem, Pawan Saini, Vikaram and Tarsem of Pehowa that the petitioner as well as complainant will pay ₹13,00,000/- each to the said agency for sending the nephew of the petitioner and the son of complainant abroad. He also referred to the receipt Annexure P-2 and P-4 vide which the money was transferred to the said agency and aforesaid agents. He submits that the petitioner is ready to join the investigation and prayed for concession of bail.

4. Learned State counsel assisted by the learned counsel for the complainant has referred to the reply filed by Deputy Superintendent of Police, City Panipat dated 04.09.2023 to argue that the petitioner had been working as one of the agents of the said Company and had infact received the amount from the complainant for sending his son abroad. He submits that since the day his son left India there had not been any contact with him and even the whereabouts of the son of the complainant are not known till date. It is submitted that the custodial interrogation of the petitioner is required to unearth the entire scam involving human trafficking and also to know about the location of his son. He further submits that the call details of petitioner, complainant and co-accused working as agents of immigration consultancy shows repeated call exchange between them, as such they prayed for dismissal of bail application.

5. After considering the rival contentions and perusing the record it transpires that it is the case of the prosecution that the son of complainant wanted to go abroad and for that purpose the complainant had contacted the petitioner. An amount of ₹14,00,000/- was paid by the petitioner to the

complainant and on 28.03.2023 his son was sent from Amritsar to Dubai and thereafter, since 09.06.2023 there had not been any communication between the complainant and his son nor his whereabouts are known to the family. It is put forth that after the complainant repeatedly requested the petitioner in order to find the whereabouts of his son, the petitioner and other co-accused threatened him of dire consequences. The facts remain that the son of complainant was assured by the petitioner and other co-accused to be sent abroad and for that purpose ₹14,00,000/- were received by the petitioner and some of the amount was transferred to other co accused, the son of complainant left India on 28.03.2023 from Amritsar to Dubai but could not reach Italy, the destination so promised. It is on record that the whereabouts of the son of the complainant are still unknown since June 2023, therefore, considering the nature and gravity of offence, custodial interrogation of petitioner is required. As a result, finding no case being made out in favour of petitioner for grant of anticipatory bail, the petition is hereby dismissed.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

20.10.2023

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |