

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

204

CRM-M-42192-2023

Date of decision: 02.09.2023

Manish Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Navjot Singh, Advocate
for the petitioner.

Ms. Trishanjali Sharma, DAG, Haryana.

Mr. Navneet Jindal, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.189 dated 06.06.2023 under Sections 420 and 506 of the IPC and Section 24 of the Immigration Act registered at Police Station Barara, District Ambala.

2. On the last date of hearing, it had been contended by learned counsel for the petitioner that no assurance as alleged in the FIR in question had been given by him to the complainant that he would arrange for his visa for United Kingdom. It had also been submitted that no doubt an amount of ₹1,30,000/- had indeed been deposited in his account by the complainant, however, it was not qua any assurance given for arranging a visa for United Kingdom; but for arranging hotel accommodation for the complainant in United

Kingdom. It had still further been contended that the allegations levelled in the FIR were false and fabricated as there was an entry on the passport of the complainant therein that the visa for United Kingdom had been granted to him which was valid till 08.10.2023.

3. On being put to the notice, the State has filed a status report by way of affidavit of Anil Kumar, HPS, Deputy Superintendent of Police, Barara, Ambala in the Court today which is taken on record subject to all just exceptions. A copy thereof has been supplied to the counsel opposite.

4. Learned State counsel, assisted by learned counsel for the complainant, while drawing the attention of this Court to the status report, has submitted that a huge fraud had been played upon the complainant by the petitioner who sent him first to Thailand on 20.03.2023. On 26.03.2023, the complainant was sent by the petitioner to Malaysia where his passport was taken away by an accomplice of the petitioner on the pretext of getting a visa for U.S.A. A slip was thereafter pasted on the passport of the complainant with respect to 02 years work experience which was then deposited with the embassy of Malaysia. Thereafter, the complainant was handed over his passport with a visa of United Kingdom, by removing the work permit slip on it and with an assurance that as and when he would reach the United Kingdom, work permit would be handed over to the complainant. Thereafter, the complainant was again sent back to India (Chennai) on 13.04.2023 from where he travelled to Delhi and met one Vishal who handed him the air tickets for United Kingdom. However, when the complainant landed in United Kingdom on 14.04.2023, he was arrested

at the airport. The complainant immediately tried to get in touch with the petitioner through WhatsApp chat and he was advised by the petitioner to seek asylum. Accordingly, the complainant applied for asylum and thereafter was released on bail for one week. Still further, though the petitioner told the complainant that a room in a hotel had been booked for him, however, it was revealed that the petitioner had lied to him. Resultantly, the complainant had to withdraw his application for asylum and after explaining true facts to the authorities in United Kingdom, he was deported back to India.

5. Learned State counsel has submitted that there was documentary evidence in the form of WhatsApp chats with effect from 15.04.2023 to 20.04.2023 along with some other audio recordings of the conversations which the petitioner had with the complainant from time to time and which in turn clearly indicated that the petitioner had played a huge fraud upon the complainant along with his accomplices and managed to obtain ₹16,30,000/- from the complainant. It has been submitted by the learned State counsel that on account of such like crimes having become rampant in this part of the country, custodial interrogation of the petitioner would be required so as to bust the racket of illegal immigration being run by him, as many innocent people are being lured into parting with huge amounts of money on the pretext of sending and settling them abroad, by giving them false assurances of lucrative jobs.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. This Court concurs with the submissions made by the

learned State counsel that the custodial interrogation of the petitioner is required in the case in hand as prima facie his involvement in the alleged crime is writ large. Therefore, this Court is not inclined to extend the extraordinary concession of anticipatory bail to the petitioner.

8. Accordingly, the instant petition is dismissed.

9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

02.09.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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