

206 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-44675-2023
Decided on : 22.09.2023

Sanjeev Sharma and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Munish Dev Sharma, Advocate
for the petitioner.

Mr. Karan Jindal, AAG, Haryana.

Mr. Saurabh Arora, Advocate with
Mr. Sahil Goel, Advocate
for the complainant.

Manjari Nehru Kaul, J.(Oral)

The petitioners are seeking the concession of anticipatory bail in FIR No.348 dated 23.08.2023 for the offences under Section 24 of the Immigration Act and Sections 406, 420 IPC (Section 467, 468, 471, 34 IPC added later on) registered at Police Station Israna, District Panipat (Annexure P-1).

2. Learned counsel *inter alia* contends that a false and fabricated case has been planted upon the petitioners and in fact, there was no occasion for them to have either extended any assurance to the complainant that his nephew would be sent to Australia via Bangkok or have purchased any air-tickets for him.

3. On being put to notice on the last date of hearing, learned State counsel assisted by counsel for the complainant has put in appearance. They have vehemently opposed the prayer and submissions made by the counsel opposite for extending the concession of anticipatory bail to the petitioners. It has been contended that the petitioners are persons of criminal antecedents as there are a large number of criminal cases registered against them of similar nature. It has been contended that both the petitioners forged a study visa for the nephew of the complainant for Australia and thereafter instead of sending him to Australia, sent him to Bangkok. It was only when the nephew of the complainant landed at Bangkok did he come to know that the study visa provided to him by the petitioners was a forged document. Learned counsel has submitted that it is the *modus operandi* of the petitioners that on the pretext of sending people abroad, they first lure them and make them part with huge amounts of money, and thereafter as and when they get caught or some complaints/FIRs are lodged against them, they very conveniently try to affect a compromise with the complainant. Learned counsel for the State has submitted that in view of the following cases, which have previously been registered/ and are pending against them, the custodial interrogation of the petitioners is required:

1. FIR No.232/2020 registered under Sections 370, 384, 406, 420 IPC and Section 24 Immigration Act at P.S. Sector 32/33, Karnal
2. FIR No.578/2022 registered under Section 174-A IPC at P.S. Pinjore, Panchkula
3. FIR No.06/2023 registered under Sections 406, 420 IPC and Section 24 Immigration Act at P.S. Nissing, Karnal
4. FIR No.20/2023 registered under Sections 120-B, 34, 467, 406, 420, 468, 471 and 506 IPC at P.S. Civil Lines, Karnal
5. FIR No.52/2023 registered under Sections 406, 420 IPC and Section 24 Immigration Act at P.S. Nissing, Karnal
6. FIR No.140/2023 registered under Sections 406, 420 and 506 IPC at P.S. Assandh, Karnal
7. FIR No.181/2023 registered under Sections 406, 420 IPC and Section 24 Immigration Act at P.S. Ismailabad, Kurukshetra
8. FIR No.966/2023 registered under Sections 406 and 420 IPC and Section 24 Immigration Act at P.S. Civil Lines, Karnal

4. Learned counsel for the petitioners has, however, reiterated that they are innocent. It has not been disputed that there are a number of criminal cases registered against them. However, learned counsel has submitted that most of those cases were lodged due to some misunderstanding and have since been cancelled or quashed on the basis of compromise and qua some

quashing petitions are pending. It has been further argued that there was nothing on record, which would reflect any financial transactions between the complainant and the petitioners. It has been still further submitted that the nephew of the complainant wanted to go to Bangkok for a holiday and if at all, any offence had been committed, it was by the sub-agent and not by the petitioners. Learned counsel has also submitted that though the custodial interrogation of the petitioners is not required, however, they are still willing to join the investigation and cooperate with the investigating agency.

5. Heard learned counsel for the parties and perused the relevant material on record.

6. A perusal of the FIR reveals that the petitioners lured the complainant to part with a huge amount of money running into lakhs on a false assurance that his nephew would be sent to Australia. However, the petitioners handed the complainant's nephew a forged study visa for Australia, which he realised only when he landed in Bangkok. *Prima facie*, from the number of criminal cases registered against the petitioners, it is discernible that the petitioners are habitual offenders and have been cheating and playing fraud upon many innocent and gullible persons. They, therefore, do not

deserve the concession of anticipatory bail. Accordingly, the present petition stands dismissed.

7. 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.

(MANJARI NEHRU KAUL)
JUDGE

22.09.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No