

S. No.103

2023:PHHC:120642

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

CRM-M-45475 of 2023

Date of Decision:13.09.2023

Vipin Garg

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Mahavir Singh Sharma, Advocate
for the petitioner.
Mr. G.S. Sandhu, Advocate for the complainant.

DEEPAK GUPTA, J. (Oral)

By way of this petition filed under Section 438 Cr.P.C., prayer has been made by the petitioner for grant of anticipatory bail in case FIR No.505 dated 21.06.2023 registered under Sections 406, 420, 34 IPC and Section 24 of Emigration Act, 1983 at Police Station City Karnal (Haryana).

FIR was lodged on the complaint of Pardeep son of Kuldeep, as per which one Rohit of Delhi agreed to send one Ajay Kumar abroad. For that purpose, an amount of ₹22 lacs was kept with petitioner – Vipin Garg, which was to be paid to Rohit after Ajay was sent abroad. However, Rohit later on refused to do the work. Complainant demanded the amount from the petitioner who assured that he shall send Ajay to America and amount be left with him. It is alleged that on 18.03.2023, petitioner along with his friend Karan sent the brother of the complainant to Dubai but he was not taken further and rather was kept hostage there against demand for further payment. On the written complaint made to the Police, petitioner apologised and handed over three cheques in the presence of the Panchayat and others. However, on presentation, the cheques were

dishonored. Petitioner later on refused to make payment and rather threatened the complainant to involve him in a false case.

It is submitted by the petitioner that at the instance of complainant, he has already paid an amount of ₹11,25,000/- to one Karan and that he is ready to pay the balance amount of ₹10,75,000/-.

Notice of motion.

Mr. G.S. Sandhu, Advocate has filed his Power of Attorney on behalf of the complainant. It is stated by learned counsel that no amount whatsoever has been returned by the petitioner to the complainant.

Heard.

There are clear allegations of fraud committed on behalf of the petitioner on the pretext of sending the relative of the complainant abroad. There are also allegations that instead of taking him to USA along with others, took the brother of the complainant to Dubai where he was kept hostage against demand for further payment.

Having regard to the nature of allegations against the petitioner, but without commenting anything on the merits of this case, this Court finds it to be unfit for grant of anticipatory bail as custodial interrogation of the petitioner may be required.

Dismissed.

September 13, 2023

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Whether Speaking/reasoned

Whether Reportable

(DEEPAK GUPTA)

JUDGE

Yes/No

Yes/No