

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:154035
CRM-M-47593-2023
Date of Decision: December 04, 2023

Manoj Kumar Phutela

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Aditya Sanghi, Advocate for the petitioner.
Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J.(Oral)

On 21.09.2023, following order was passed by this Court:-

“Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.364 dated 17.04.2023, registered at Police Station Civil Line, Sirsa, District Sirsa, under Section 420 IPC.

Learned counsel for the petitioner contends that the petitioner, who is a registered travel agent, is providing tour and travel services under the valid registration certificate dated 02.07.2021 (Annexure P-4), and that as per the allegations, the complainant paid an amount of Rs.5 lakh to the petitioner to send Vicky(son of the complainant) to Armenia and from there to Australia on work visa, but he had not been sent to Australia on the said visa.

Learned counsel for the petitioner draws the attention of this Court towards the affidavit (Annexure P-5) to indicate that Vicky had decided to visit Armenia on work visa and the said affidavit was also signed by the complainant as a witness. It is further submitted that visa was issued in favour of the son of the complainant on 06.02.2023 and even the social security card (Annexure P-8) was also issued in his favour by the Government of Armenia, on 10.03.2023 and that there was no occasion for the petitioner to send the son of the complainant to Australia. Even otherwise, to show his bona fide, the petitioner is ready to deposit a sum of Rs.2,50,000/- by way of demand draft, in favour of the Registrar General of this Court.

Notice of motion.

On the asking of this Court, Mr. Rahul Dev Singh, Addl. A. G.

Haryana, accepts notice on behalf of the respondent-State, and seeks time to file the status report.

Adjourned to 04.12.2023.

Meanwhile, the petitioner is directed to join investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) Cr.P.C., and further subject to the deposit of Rs.2,50,000/- by way of demand draft in the name of the Registrar General of this Court within a period of ten days.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police.

On deposit of the said demand draft by the petitioner, Registry is directed to deposit the same in a fixed deposit with the State Bank of India, High Court, Branch, fetching the maximum rate of interest.”

Today, status report by way of affidavit of Shri Jagat Singh, Deputy Superintendent of Police (HQ), Sirsa, District Sirsa on behalf of the respondent-State has been filed.

It is submitted by learned State counsel that the petitioner has not joined the investigation. Petitioner has not even made compliance of the order dated 21.09.2023 as he failed to deposit amount of Rs.2,50,000/- by way of demand draft in the name of the Registrar General of this Court.

In view of the aforesaid circumstances, the order dated 21.09.2023, whereby petitioner was granted interim anticipatory bail, is hereby withdrawn.

As such, present petition is dismissed.

December 04, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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