

2023: PHHC: 142682

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

CRM-M-52746-2023
Date of Decision: 07.11.2023

Dev Raj

. . . . Petitioner

Vs.

State of Haryana

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Wazir Singh, Advocate, for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana.

Mr. Karanvir Hooda, Advocate, for the complainant.

DEEPAK GUPTA, J.

By way of this petition filed under Section 438 CrPC, petitioner prays for grant of anticipatory bail in case FIR No.340 dated 12.09.2023 registered at Police Station Mullana, District Ambala, under Sections 406 & 420 of the Indian Penal Code, 1860; and Section 24 of the Immigration Act, 1983

2. FIR was lodged on the complaint made by Sandeep Kumar, as per which petitioner is his real maternal uncle (mama), whereas co-accused Shravan Kumar is the brother-in-law of petitioner-Dev Raj. Petitioner, after doing 10+2, was unemployed. In the month of March 2023, both the accused assured the complainant that they could arrange to send him to Portugal on work permit and demanded ₹8 lakh. Believing them being his relatives, complainant handed over ₹40,000/- to petitioner-Dev Raj on 12.04.2023. Later on, more amount was transferred. The complainant handed over his documents including passport to the accused Sharvan Kumar, who assured that work will be done within short time. Petitioner was later on sent to Armenia with assurance that he will be sent

from there to Portugal though donkey mode. More amount was transferred by the complainant to the account of accused Sharvan Kumar. In all, an amount of ₹4,70,000/- was paid by the complainant to both the accused. However, after reaching Armenia, no work permit of Portugal was provided to him. Rather, heavy fine was imposed upon him for overstay in Republic of Armenia and then he came to India. He tried to contact the accused, but they switched off their mobiles.

3. It is contended by ld. counsel that petitioner has been falsely implicated; that as per the allegations only an amount of ₹40,000/- was paid to him; that petitioner was simply a facilitator and that documents were supplied to the other accused. Ld. counsel further submits that petitioner is ready to join the investigation and so, he be allowed anticipatory bail.

4. Strongly opposing the bail petition, ld. State counsel ably supported by counsel for the complainant submitted that petitioner along with co-accused grabbed the amount of ₹4,70,000/- from him. Both of them represented to him by assuring him to provide work permit for Portugal. Ld. State counsel also submits that custodial interrogation of the petitioner is required to unearth the entire truth and to recover the money. Prayer is made for rejecting the petition.

5. After considering submissions of both the sides, this Court does not find present petition to be fit for grant of anticipatory bail, as custodial interrogation of the petitioner may be necessary to unearth the entire truth.

Dismissed.

07.11.2023

Vivek

(DEEPAK GUPTA)
JUDGE

1. Whether speaking/reasoned?
2. Whether reportable?

Yes
No