106 2023:PHHC:137897

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-54375-2023
DECIDED ON: 25.10.2023

RAM KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ashish Sindher, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., seeking anticipatory bail to the petitioner in FIR 338, dated 27.08.2023, under Sections 406, 420 and 506 IPC, 1860, registered at Police Station Thanesar City, District Kurukshetra.

2. Brief facts of the case, as narrated in the FIR, are as under:-

> *"a complaint No.99-KB dated 27.06.2023 after enquiry report dated 27.08.2023 from Superintendent of Police, Kuruksehtra received in Police Station against accused for legal proceedings against accused for sending abroad complainant and to grab money of Rs.83,47,000/- by way of cheating by accused No.1 Jayant Raj, accused No.2 Satish, accused No.3 Lakhwinder @ Lucky, accused No.4 Ram Kumar and accused No.5 Durga Devi, Ahmadabad Gujrat and for sending abroad complainant and threatened the complainant to kill. He (complainant Kuldeep Kumar son of Satbir Singh) is resident of H.No.473, Asandh Road, Dutta Colony, Panipat. Further alleged that He is doing the*

agriculture work. Further alleged that since three-four years ago, he is having visiting terms in the office Kavi Raj Sharma bearing Shop No.111, Sector 7, Kurukshetra. He was introduced with accused No.1 by stating therein that accused is doing the work of sending abroad to people and having transport work, who is having company in the name and style of Trinity Export, who is permanent resident of U.K. and he was allured by accused and gave allurement to send from India to Canada. The come under the impression of his allurement. They were also told that firstly, they will take half of the money earlier to send him abroad. They have completed deal for a sum of Rs. one crore five lakh for sending him Canada from India and to provide permanent residency. They started talk on telephone for sending him abroad and started visiting terms at his house. They also given allurement to sending his wife abroad. Accused Kavi Raj and Jayant Raj started to come at his house and they also given him allurement that they will become partner in the branch of their company, which is having branches in U.K., Canada and Germany and they will provide permanent residency of Canada and they put pressure upon him to get prepared Visa. He and his wife come in their impression and have given their documents Kavi Raj and Jayant Raj. Complainant has given Rs.25,00,000/- for the first time in their office situated at Sector-7 and thereafter, after 15 days their course was started in the name of shipping through on line classes. The course was 15 days, which was conducted on their phone and on completion of CDC course, complainant party has handed over Rs.4,11,150/- in their office to Ms. Durga Devi on their asking as and when the amount has to take by them. Durga Devi used to talk him through whats app and to whats app the documents to him which were given by the accused to her and copies of which are having with him. Further alleged that on 08.09.2022, accused No.1 and 2 went to Bankok Thiland and after teaching there they told him on phone that his documents are to be prepared and they have in need of money and he has to give Rs.9,35,000/- to father of Satish Ram Kumar and his brother Sanjeev Kumar. He sent to his house and got talked with the brother of Satish *and the guarantee was given by Ram Kumar father of Satish. Satish remained at Bankok and Jayant returned back. He was called at Vaishpich Mall Vaishali along with documents where he introduced with Lakhwinder Singh @ Lucky. He gave Rs.6,00,000/- in cash and remaining amount of forty thousand through on line and thereafter they gave him U.K. documents. Thereafter, he was allured that they are conducting the visa of him and his wife for small countries and forthis they have to pay fee and on the asking of Jayant, he had paid Rs.5,30,000/- to Satish and Lakhwinder Singh @ Lucky at Asandh. He has given the amount to Jayant and Ravi in cash in front of Durga Devi, Satish Kumar and Lucky in the account told by them. Thereafter, he demanded copy of visa from them and they have shown him Visa through whats app. When he got checked visa on line, there was no status. Thereafter, he talked to Jayant, he told him that he would talk to Lakhwinder Singh @ Lucky and Satish. Thereafter, he made a telephone call to Satish and Lucky on telephone and they both gave him assurance that he has to pay Rs.80,000/- in the account of Lakhwinder Singh, they will check the same on line. They gave him assurance that within 15 days he may get visa on line. But in vain. All the accused persons have given him forged documents which are either visa or other documents."*

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case, as neither the petitioner has ever received any amount from the the complainant as alleged in the complaint nor he ever met the complainant. Moreover, the petitioner was working as a Govt. Sweeper in the Municipal Committee, Assandh, District Karnal and he was on duty on 08.09.2022. He placed reliance upon the attendance sheet of the month of September, 2022, which is attached with the petition as Annexure P-3. It is submitted on behalf of the petitioner that in order to harass the petitioner for disbursement of his pension, the complainant has arrayed the petitioner in the

complaint being the father of the co-accused namely Satish. The petitioner is 60 years old person and is suffering from old age illness.

3. Heard learned counsel for the petitioner at length.

4. After examining the FIR, it is evident that there is a specific allegations against the petitioner that he along-with his co-accused allured the complainant for sending him abroad and deal was finalized for sum of Rs.1,50,00,000/- for sending the petitioner Canada and to provide permanent residency. Further an amount of Rs.9,35,000/- has been paid to the father of the petitioner namely Satish. Moreover, the petitioner has placed reliance upon the attendance sheet of the Month of September, 2022 (Annexure P-3), to show that at that time the petitioner was present in office but the name of the petitioner is nowhere mentioned in the said attendance sheet. In fact, the name of the father of the petitioner is mentioned therein at serial No.4. The allegation against the petitioner is very serious who promoted a bogus schemes and induced the persons to deposit money with him in false representations and suppression of material facts. In case, the petitioner is clothed with protection of pre-arrest bail, the *Modus Operandi* cannot unearthed. Thus, to unearth the ramifications involved in the present case, the custodial interrogation of the petitioner is necessary.

5. In view of the discussions made hereinabove, this Court is of the firm view that the petitioner does not deserve the concession of pre-arrest bail, as such the same is dismissed being devoid of any merits.

(SANDEEP MOUDGIL)
JUDGE

25.10.2023

Sham

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*