

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

**CRM-M No.348 of 2024 (O&M)
Date of Decision: 12.01.2024**

Dayanand

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Sandeep Singh Jattan, Advocate for the petitioner.

Mr. Ashok S. Chaudhry, Addl. A.G., Haryana for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No.244 dated 19.02.2022, under Sections 406, 420, 467, 468, 471, 120-B of the Indian Penal Code, 1860 and Section 24 of the Emigration Act, 1983, registered at Police Station, Guhla, District Kaithal.

(2) Above FIR was registered on the basis of statement made by complainant-Harvinder Singh to the effect that petitioner, along with other co-accused, cheated him on the pretext of sending complainant to U.S.A. after receiving an amount of ₹ 45 Lakh. Also alleged that petitioner neither sent him abroad; nor the amount in question has been returned to the complainant. Even later on, Tickets & Visa provided to the complainant were found to be fake.

(3) Contends that petitioner is in custody for the last more than one year and he has been falsely implicated merely on the allegations that he is a Commission Agent. Also contends that amount, if any, was received by the Travel Agent and petitioner has nothing to do with the same. Further contends that two co-accused, namely, Rameshwar Dass @ Tandon & Amarjeet @ Gautam have already been granted the concession of interim bail pending trial by this Court, vide separate orders dated 14.11.2023, passed in CRM-M Nos.37758 & 46433 of 2023 (P-4 & P-5), respectively, hence, petitioner be also granted the similar concession.

(4) *Per contra*, learned State Counsel, while making reference to para 6 of the order dated 05.05.2023 (P-6), passed by learned Additional Sessions Judge, submits that petitioner duly acknowledged the factum of receiving the amount in question by way of his affidavit dated 20.08.2022. He further submits that in continuation of the above affidavit, petitioner issued two cheques of ₹ 18 Lakh & ₹ 18.4 Lakh, for discharging his liability, respectively, on 07.08.2022 in favour of the complainant, but both were dishonoured. Thus, complicity of the petitioner is well apparent.

(5) Heard both sides and perused the paper-book.

(6) Concededly, petitioner is in custody since 19.10.2022 and two co-accused have been granted the interim concession by this Court. But, it has come on record that petitioner, by way of an affidavit dated 20.08.2022, duly acknowledged the receipt of amount in question. Also discernible that in order to discharge his legal liability, petitioner issued two cheques for an amount of ₹ 18 Lakh & ₹ 18.4 Lakh, respectively, but both were dishonoured.

- (7) In view of the above, conduct of the petitioner does not entitle him for grant of bail pending trial. As a result thereof, there is no option except to dismiss the petition at this stage.
- (8) Ordered accordingly.
- (9) The above observations may not be construed as an expression of opinion on merits of the present case in any manner.
- (10) Pending application(s), if any, shall also stand disposed off.

12th January, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes