

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SR. No.285

CRM-M-4261-2024

Date of decision:07.02.2024

Sandeep Singh and another

...Petitioners

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr. Ankush Rampal, Advocate for
Mr. Kushagra Mahajan, Advocate for the petitioners.

Mr. Vipur Sherwal, AAG, Haryana.

Mr. Anshumaan Dalal, Advocate for the complainant.

N.S. SHEKHAWAT, J.

1. The present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioners in FIR No.250 dated 12.12.2023 registered under Sections 406/420/506/34 IPC at Police Station, Garhi, District Jind.

2, The FIR in the present case was registered on the basis of statement made by Deepak son of Dilbag Singh and the same is reproduced as below:

“To, The Chowki Incharge, Dhamtan Sahib. Sir, it is requested that I. Deepak son of Sh. Dilbag Singh caste Jaat, am resident of Khana Patti Laun. We were two brothers. My elder brother Vikas was aged about 27 years old. My brother Vikas wanted to go abroad. For this work, we contacted Dhola resident Bidharana (Mo. No. 94666-89179) and Dhola's brother-in-law

Naresh resident of Bhainswal (Mo. No. 90341-39457) because we came to know that these persons are doing the work of sending people abroad. We talked to them about sending my brother Vikas to Australia and we made a deal for Rs.13 lakh. They gave my brother a fake visa for Australia and did not send my brother anywhere and did not even return our Rs.13 lakh. Later on, they had returned our Rs.3 lakh but still Rs.10 lakh are left with them. Then both of them introduced us to Sandeep alias Sonu resident of Cheeka (Mo. No. 74950-21088) and Devendra resident of village Singh Tehsil Cheeka district Kaithal (Mo. No. 93067-74830), who have an office at Cheeka in the name of Star Edge Traveler. We talked to both of them about sending my brother Vikas to Italy and they said that we will send your brother to Italy in the right and legal way. We negotiated with both of them for Rs.13 lakh. We gave them Rs.9 lakh 70 thousand in cash and deposited Rs.6 lakh in their account, the receipt of which I will present later. On 02.02.2023, my brother went abroad and they sent my brother to Dubai in the right way, but they used the wrong method to send him further and my brother got stuck at Libya. Both of them kept demanding money from us repeatedly in the name of sending him from Libya and at different time intervals, we gave them Rs.2 lakh in cash and deposited Rs.4 lakh 63 thousand in their account as per their request, the receipt of which will be produced by me later. But they did not send my brother further and kept him at Libya and tortured him. These people kept threatening us that either send more money or we will kill your brother Vikas. Now we have come to know that my brother Vikas has died in Libya. Dhola resident Bidharana, Dhola's brother-in-law Naresh resident of Bhainswal, Sandeep alias Sonu resident Cheeka (Mob. No. 74950-21088) and Devendra resident of village Singh Tehsil Cheeka District Kaithal have played fraud with us for an amount of Rs.42 Lac 33 thousand in the name of sending abroad and had sent my brother to the

wrong country in an illegal manner by giving false promise to us that they will send him in a legal manner. You are requested to take strict action against them.....”

3. Learned counsel for the petitioners contended that the petitioners are running a transport agency in partnership since the year 2022. In fact the complainant (Deepak) was well known to the petitioners and had contacted them for visitor's VISA to Dubai in February 2023. The petitioners had applied the VISA and a valid visa was issued to the complainant. Thereafter, the petitioners had requested the complainant to pay money for getting him VISA, however, he put off the matter on one pretext or the other. He further contended that the complainant had owed the money to the petitioners and to wriggle out of the commitment, he named both the petitioners as accused in the present case. Learned counsel further contended that it has been wrongly alleged that various amounts were deposited in the accounts of the petitioners, whereas it is apparent from their statements of accounts (Annexure P-2) that no money had been credited to their accounts and thus, they have been falsely involved in the present case.

4. On the other hand, learned counsel for the State assisted by the learned counsel for the complainant have vehemently opposed the submissions made by the learned counsel for the petitioners on the ground that both the petitioners had been specifically named in the FIR. Learned counsel further contended that Vikas, brother of the complainant, was sent to Dubai through proper channel but thereafter by adopting illegal means, he was sent to Libya. Even, Vikas, a young boy, died under mysterious circumstances in Libya. Learned counsel also contended that the petitioners along with co-accused had not only cheated the complainant to the tune of

Rs.42.33 lakhs but even Vikas, brother of the complainant, had lost his life in Libya on account of misdeeds on the part of the petitioners.

5. I have heard the learned counsel for the parties and perused the record carefully.

6. In the present case, there are specific allegations against the petitioners that they along with their co-accused had committed the fraud with the complainant. The investigation in the present case has been recently initiated and in the considered opinion of this Court, the custodial interrogation of the petitioners would be necessary to find out the involvement of the co-accused and to recover the documentary evidence in the present case. Apart from that, the custody of the petitioners would also be required to find out the names of the other co-accused also, who were actively involved in the alleged crime and also the involvement of the other accused, due to whom a young boy had lost his life. Thus, keeping in view the severity of the allegations against the present petitioners as well as need of their custodial interrogations, the petitioners are not entitled to the concession of anticipatory bail in the present case at this stage.

7. In view of the above, the present petition stands dismissed.

07.02.2024
mks

(N.S. SHEKHAWAT)
JUDGE

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO