

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-4060-2024
Date of decision: 09.02.2024

TARUN KUMAR DHAWANPETITIONER(S)

Versus

STATE OF PUNJABRESPONDENT(S)

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. J.S. Bhandohal, Advocate for the petitioner.
Mr. Sarabjit Singh Cheema, DAG, Punjab.
Mr. Shakti Mehta, Advocate for the complainant.

SANJIV BERRY, J.(ORAL)

1. By way of present petition filed under Section 438 Cr.P.C, the petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Section	Police Station
145	29.12.2023	406, 420 and 120-B of IPC	City Samana, District Patiala.

2. It is, *inter alia*, submitted by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner is neither working as travel agent nor had he issued any VISA in favour of the complainant. He further submits that there is nothing on record with the police to show that the petitioner ever demanded or received any alleged amount on that pretext and as such prays for grant of anticipatory bail to the petitioner..

3. On the other hand, learned State counsel assisted by learned

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counsel for the complainant by referring to the reply submitted by concerned Deputy Superintendent of Police, have opposed the bail application by arguing that there are specific allegations against the petitioner along with other co-accused having duped the complainant of Rs.25,37,000/- on the pretext of sending him to Australia and in the process delivered the complainant a fake VISA. He further submitted that during the course of investigation, it has come out that the petitioner had allegedly taken and duped the complainant of amount of Rs.9,23,000/- and as such submitted that the custodial interrogation of the petitioner is required to unearth the motives and effecting the possible recoveries.

4. After considering the rival contentions and perusing the record, it transpires that the present FIR was registered on the complaint moved by Mukesh Kumar to the fact that the petitioner along with other co-accused has allegedly taken Rs.25,37,000/- from him on the pretext sending him abroad. Thereafter, fake VISA was given to him by the petitioner which came to his notice on 03.05.2023 when he went to Indira Gandhi International Airport, Delhi, Terminal-3 and the Immigration Officer accordingly cancelled the ticket of the complainant. The FIR has been registered after thorough inquiry into the matter and during the course of arguments, learned State counsel has referred to the police file brought by the Investigating Officer to show that there had been regular messaging on WhatsApp between the complainant and the petitioner which also shows his active participation in the crime of duping innocent persons on the pretext of sending them abroad is on the rise.

5. Therefore, considering the nature and gravity of offence, it is observed that no case is made out in favour of the petitioner for grant of anticipatory bail.
6. Accordingly, the petition is hereby dismissed.
7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

09.02.2024
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |