



CRM-M-9389-2024

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**287-3 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-9389-2024

Date of decision: 29th July, 2024

Balwinder Singh

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Saurabh Sharma, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Wazir Singh, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

The instant petition has been filed by the petitioner under Section 439 of Cr.P.C. seeking grant of regular bail in case arising out of FIR No. 663, dated 22.09.2023 registered under Sections 406 and 420 of IPC, 1860 and Sections 10, 24 of Immigration Act at Police Station Sadar Thanesar, District Kurukshetra.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of written complaint jointly filed by the complainants Satbir and Sunil alleging therein that the petitioner on the pretext of sending their relatives/acquaintances namely Nitin Kumar, Sawan, Sachin and Surinder to America, had extracted an amount of Rs. 1,17,25,750/- from them and the above



named victims. This money was taken at different dates. However, the victims had been sent to Thailand, Vietnam and Dubai only but were called back. The petitioner in connivance with the co-accused also got transferred different amounts of money in their respective bank accounts, which were transferred further but the victims could not be sent to the USA by them and the amount of money so paid had been usurped by the present petitioner in connivance with the co-accused. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 29.10.2023. He moved an application for grant of regular bail before the Court of learned Additional Sessions Judge, Kurukshetra, which had been dismissed vide order dated 19.01.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He is in custody since 29.10.2023. The subject offences are triable by Magistrate. He is ailing from heart disease. Initially, inquiry had been conducted into the matter and he had been found to be innocent by a Special Detective Unit of Kurukshetra as per the report submitted on 22.08.2023 but the FIR was lodged subsequently. No recovery has been effected from him, nor the same is to be effected. The investigation and trial are likely to take time. Complainants are procrastinating the trial as they are not coming up for recording their statements. No useful purpose would be served by detaining him in custody anymore. Therefore, it is argued that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State, as per



which, the petitioner had allured the complainants by representing that he could manage to send people to the USA and on his inducement, the nephew of the complainant- Sunil Kumar and three more youths namely Sawan, Sachin and Surinder, who are interested to go abroad had parted with huge amount of money. An amount of Rs. 1,17,25,750/- had been extracted by the petitioner in-connivance with the co-accused. The victims were sent to Thailand and then to Vietnam but called back to India and they were again sent to Dubai but not to the USA. They were stuck in Dubai and were facing hardship. It is submitted by learned State counsel assisted by learned counsel for the complainant that the allegations against the petitioner are serious in nature, the petitioner got transferred different amounts of money from the victims in the bank accounts of co-accused with an intention to cause wrongful loss to the victims and for his wrongful gain and obviously with a purpose to cheat them. The petitioner is involved in one more case of similar nature. It is further argued that there are chances of petitioner's committing similar offences, intimidating the witnesses or absconding, if extended benefit of bail and hence, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner in-connivance with the co-accused is alleged to have defrauded the complainant and the victims Nitin Kumar, Sawan, Sachin and Surinder on the pretext of sending the victims to America. The victims were induced to part with a huge amount of money. During his custodial



interrogation, the petitioner has not disclosed the manner of committing the subject offences. Investigation is still going on as the co-accused are yet to be arrested/joined investigation. The plea that the petitioner may abscond or intimidate the witnesses cannot be stated to be unfounded at this stage. No consideration can be given to the fact that in an inquiry conducted against the petitioner previously, no cognizable offence was reported to have been committed by the petitioner. Keeping in view the nature of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

29th July, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | Yes |