

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17067-2024
DECIDED ON: 15.04.2024

DHARAMPAL

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. A.S. Dhaliwal, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No.1488, dated 19.10.2023 (Annexure P-1), under Sections 406, 420, 467, 468, 471, 506 and 120-B IPC, Section 24 of Immigration Act and Section 25 of Arms Act, registered at Police Station Civil Lines, Karnal, District Karnal.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and the main accused are Mahabir Singh and Virender who had promised the complainant's nephew to send him to Australia and on pretext of that, has taken money from the complainant. He further contends that no bank transaction ever took place between the complainant's nephew and the petitioner and the allegations raised that the petitioner has taken 9000 US Dollars from the complainant's nephew are totally vague and baseless.

He vehemently argues that no inquiry was conducted before the registration of the present FIR.

Notice of motion.

On the asking of the Court, Mr. B.S. Virk, Sr. DAG, Haryana accepts notice on behalf of the respondent-State and prays for dismissal of the instant petition on the ground that the petitioner is the beneficiary of the alleged transaction.

In the light of the fact that the present petitioner has taken an amount of 9000 US Dollars from the complainant's nephew at Dubai Airport on 20.07.2023 and has also taken the passport of the complainant's nephew to arrange for the tickets and visa but never did so, rather left the complainant's nephew Pankaj stranded at the Airport itself and himself fled away from there.

Further in view of the allegations raised which are serious in nature and facts are disputed wherein an amount of 9000 US Dollars is involved, to unearth the *modus operandi*, this Court is of the firm view that the custodial interrogation of the petitioner is required.

Moreover, as far as the contentions of the petitioner is concerned that no inquiry was conducted before the registration of the present FIR, the Apex Court in "***Lalita Kumari versus Government of U.P. and others***", ***AIR 2014 SC 187***, has observed that if a person approaches the police officer and makes a complaint that discloses the cognizable offence, it is the *prima facie* responsibility of the police office to lodge an FIR and no preliminary inquiry is required before lodging a FIR.

At this stage, after arguing at length, learned counsel for the petitioner prays for withdrawal of the instant petition.

Prayer is accepted.

Dismissed as withdrawn.

15.04.2024
Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>