IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-21474-2024 (O&M)
Date of Decision:- 11.07.2024

SUSHIL KUMAR

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Bhal Singh Beniwal, Advocate for the petitioner.

Mr. Surender Singh, AAG Haryana.

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SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
8	06.01.2024	420, 406 and 120-B IPC	City Fatehabad, District Fatehabad

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. He contends that that petitioner, who is a licensed travel agent, had only given the professional advise to the complainant in accordance with law. He submits that the petitioner is not having any criminal antecedents and is ready to join investigation. Hence, prayed for grant of anticipatory bail to the

petitioner.

3. *Per contra,* learned State counsel, while referring to the status report dated 11.05.2024 submitted by the State, has opposed the bail petition and contends that the petitioner along with his accomplices had usurped ₹23,40,047/- from the complainant and his cousin brother on the pretext of sending them abroad, therefore, the custodial interrogation of the petitioner is required to recover the abovesaid amount. Hence, prayed for dismissal of the bail petition.

4. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on the complaint of Parvinder Singh alleging that he and his cousin brother had planned to go abroad, therefore, they started taking IELTS coaching, where they met co-accused Sachin, who assured them to get them work visa or study visa in Portugal and London. The accused persons in collusion with each other, obtained their documents and procured their signatures on many papers. Thereafter, the complainant transferred a sum of ₹14 lakhs (₹12,04,023 through online payment and ₹1,96,000/- in cash) in the account of Sushil Kumar (petitioner herein) and the cousin brother of the complainant namely Arvinder Singh made a payment of ₹10 lakhs through digital payment and in cash in the account of the petitioner. Thereafter, a sum of Rs.1,10,000/-, was further transferred in the account of one Manish on the asking of the petitioner. However, when the complainant and his cousin brother did not get the visa, they demanded their money back, whereupon, the petitioner gave them a cheque of ₹14 lakhs, which got dishonoured. The complainant and his

cousin brother again demanded their money back, however, the petitioner refused to return their money and threatened to kill them.

5. Admittedly, the complainant and his cousin brother had transferred the amount on different occasions directly in the account of the petitioner and in the account of the MIKODA IELTS and Visa Consultancy and the petitioner is the proprietor of the said firm, thereby, depositing ₹21,44,047/-. Apart from this, the complainant had also paid Rs.1,96,000/- in cash to the petitioner and the recovery the aforesaid amount is yet to the effected.

6. Therefore, considering the nature and gravity of offence and the fact that the aforesaid amount was transferred directly in the account of the petitioner, which has not yet been returned, it is observed that no case is made out in favour of the petitioner for grant of anticipatory bail, as a consequence, 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.

(SANJIV BERRY)
JUDGE

11.07.2024
S.Sharma(syr)

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