

**CRM-M-25740-2024****1****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****212****CRM-M-25740-2024****Date of Decision: 20.08.2024****DHARAMVEER KASHYAP****....Petitioner*****Versus*****STATE OF HARYANA****.....Respondent****CORAM: HON'BLE MR. JUSTICE GURBIR SINGH****Present:** Mr. Pawan Kumar Hooda, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

Mr. D.P.S.Bajwa, Advocate for the complainant.

GURBIR SINGH, J (ORAL)

1. This petition has been filed under Section 438 of Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No. 0047, dated 27.02.2024, under Sections 406, 420, 506 of IPC and Sections 10, 24 of Immigration Act registered at Police Station City Pehowa, Kurukshetra, District Kurukshetra.

2. The brief facts of the case are that the complainant- Manjeet Kaur contacted the petitioner- Dharamveer Kashyap, he being immigration agent, for sending her son-Balwinder Singh aboard (Australia) on study visa and accordingly, the complainant paid an amount of Rs.22,20,2000/- as also the passport of her son along with other original documents such as certificates of 10th, 12th, PTE, Aadhar card and PAN card to the petitioner. When the complainant's son could not get visa, she asked for refund of aforesaid amount, but the complainant was threatened to kill her. The complainant then moved an application dated 16.05.2023 before the SP, Kurukshetra, the inquiry into which was conducted by the Detective Cell,

Kurukshetra and resultantly, a compromise was effected between the

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petitioner and the complainant. Accordingly, the petitioner issued two cheques bearing No.000015 dated 01.10.2023 amounting to Rs.7,70,000/- and No.000014 dated 15.02.2024 amounting to Rs.13,50,000/- and the balance amount was stated to be paid in cash in installments. However, the aforesaid cheques were dishonoured with the remarks, 'Accounts Closed.' When the complainant informed the petitioner of the same, he paid no attention to her request and rather threatened to kill her.

3. Learned counsel for the petitioner has argued that false allegations were levelled against the petitioner and all other family members. The complainant tried to convert a money dispute pending interse between the parties into a criminal case. As per the version of the complainant, petitioner settled the matter and gave two cheques one of Rs. 7,70,000/- and another one amounting to 13,75,000/-. Number of panchayats were held regarding such cheques and it has been established that the petitioner is not working as travel agent and is doing labour work. Even complainant issued legal notice on 09.05.2024 with regard to dishonour of cheques, which means complainant availed two parallel remedies one under Section 138 of Negotiable Instruments Act and another under Indian Penal Code. It is further submitted that the petitioner has already given a sum of Rs.4 lacs to the common man Avtar Singh for the purpose of settlement. The parties are known to each other and petitioner got the complainant introduced to other people which has nothing to do with the receipt of any amount.

4. Learned State counsel as well as learned counsel for the complainant opposed the petition on the ground that petitioner has entered into compromise for settlement with the complainant and gave two cheques, one of Rs. 7,70,000/- and another one amounting to 13,75,000/- and those cheques

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were dishonored. Even there is a video recording showing the petitioner counting the cash after receiving, so custodial interrogation of the petitioner is necessary.

5. I have heard the learned counsels for the parties and have gone through the paper book.

6. In the case in hand, there is direct allegation against the petitioner that he received a sum of Rs. 22,20,000/- for sending son of the complainant to abroad. If petitioner is not involved in any way, then there was no question of settling the matter during the inquiry by the petitioner in the complaint filed by the complainant. This matter was sent for mediation but as per the report received from the Mediation & Conciliation Centre of this Court, matter remain unsettled. It is not a simple case of money dispute. The petitioner is not authorized agent of any country to send persons to abroad. Apparently petitioner received the money by misrepresentation knowing fully well that he had no authority to send the persons to abroad. Prime-facie offence of cheating is established. When person is equipped with favourable order of anticipatory bail then interrogation becomes a mere ritual. Custodial interrogation of petitioner is necessary in this Court.

7. In these circumstances, no ground is made out for grant of anticipatory bail to the petitioner. Petition stands dismissed.

20.08.2024*renu***(GURBIR SINGH)
JUDGE**

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No