



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27219-2024
Date of Decision:- 14.10.2024

ROSHAN MISHRA ...Petitioner

Vs.

STATE OF PUNJAB ...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. G.S.Sandhu, Advocate for petitioner.

Mr. Kewal Singh, Addl. A.G. Punjab.

Mr. Jasdev Singh Thind, Advocate for the complainant.

AMARJOT BHATTI, J.

1. Petitioner Roshan Mishra has filed instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.345 dated 27.11.2023 under Section 406 IPC registered at Police Station City Kharar, District SAS Nagar.
2. As per the facts of the case, Jatinder Pal Singh complainant alleged that he was doing business of sale and purchase of Air tickets under the name and style of Visa Travel M at Kharar. Complainant called customer care of Air India to get information. Later-on he received call from Roshan Mishra from IGT Solutions Private Limited, Gurugram. Accused stated that his company was dealing with ticketing and service of Air India and he could book air tickets on discount and the same will be refundable. As a result, complainant booked 90 tickets from Delhi to Toronto and Delhi to Montreal and accordingly deposited Rs.83,56,000/-

in the accounts of Roshan Mishra, Manoj Kumar, Payal Thakur and Vikash Singh. Some of the tickets were utilized and due to Covid-19 some of the clients could not travel, as a result tickets were cancelled. Later-on, said clients booked tickets from some other persons and travelled abroad. Complainant requested for the refund of those tickets but accused was putting off the matter on one pretext or the other. Later-on, he stopped picking up calls. Complainant and his friends visited house of accused with request for refund. Accused handed over Rs.2 lakhs to the complainant and promised to return remaining amount but failed. Complainant again contacted Air India and came to know that Air India had issued refund for some of the tickets to Roshan Mishra. Accused did not refund Rs.50 lakhs to the complainant. Ultimately, present FIR was registered.

3. Learned counsel for petitioner argued that petitioner has not committed any offence. At the instance of complainant company IGT Solutions Private Limited, FIR No.30 dated 07.05.2022 is registered under Section 420 IPC and Section 66 of Information Technology (Amendment) Act, 2008 at Police Station Cyber Crime Gurugram against present complainant Jatinder Pal Singh and other agents. Copy of FIR is Annexure P-1. False FIR has been registered in order to put pressure on him. Matter in controversy is civil in nature. There was no malafide intention. His anticipatory bail application was wrongly declined vide impugned order dated 25.04.2024 (Annexure P-2). Present petitioner is ready to join the investigation. Therefore, his anticipatory bail may be allowed.

4. Bail application is opposed by learned counsel representing State assisted by learned counsel for the complainant. As per the status report, allegations detailed in the FIR are confirmed. As per facts,

complainant transferred around Rs.83.56 lakhs to petitioner and booked certain tickets for his clients. Some of the tickets were unutilized and the accused failed to give refund for the same. It is pointed out that investigation is at initial stage. He is required to join the investigation. As per their investigation, petitioner has committed criminal breach of trust for the amount of Rs.49.59 lakhs. Therefore, for fair and proper investigation, his custodial interrogation is required and his anticipatory bail application may be declined.

5. I have considered the arguments and have gone through the record. From the facts narrated in the FIR, as well as stand taken by present petitioner, it is clear that dispute is regarding sale and purchase of air tickets and the refund of amount regarding tickets which were not utilized. As per the contents of FIR some refund was received by present petitioner but the same has not been reimbursed to the complainant. Complainant alleged that he has received Rs.2 lakhs from present petitioner/accused and rest of the amount is yet to be recovered. As per status report, there is criminal breach of trust for the amount of Rs.49.59 lakhs. Matter is under investigation. Huge amount is involved. Considering the nature of allegations and its gravity, I do not find a fit case for grant of anticipatory bail and the same is accordingly declined.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(AMARJOT BHATTI)
JUDGE

14.10.2024
snd

Whether speaking/reasoned: Yes/No.
Whether reportable: Yes/No