HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

****

CRM-M-30422-2024 (O&M)
Decided on 04.07.2024

****

Biju Dangwal ... Petitioner

VS.

State of Haryana ... Respondent

****

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

****

Present: Mrs. Kiran Bala Jain, Advocate for the petitioner

Mr. Chetan Sharma, DAG Haryana

****

Sandeep Moudgil, J.

(1). This is a petition under Section 439 CrPC filed by the petitioner seeking regular bail in case FIR No.363 dated 04.07.2023 under Sections 406/420/370 IPC and Section 24 of Immigration Act, registered at Police Station Naraingarh, District Ambala.

(2). Brief facts, as culminating in the FIR which was lodged at the instance of Aman Singh, is reproduced hereunder:-

> *"To the SHO, Sahab, Police Station Naraingarh. Subject Regarding cheating. Sir, I Aman Kumar son of Shyam Sunder R/o Rasulpur, Tehsil Saudhora, District Yamuna Nagar and Himanshu son of Raj Kumar resident of village Chechi Majra and Mandeep Chaudhary son of Shri Gurmukh resident of Naraingarh District Ambala and Lucky Shri Raj Kumar R/o village Piarewala, Tehsil Raipur Rani, District Panchkula. That Biju Dangwal deals in sending abroad the people and is having office at college road under the name of Global Visa. We all four went to his office and talked about over work permit of Australia. They all the four told us the expenditure of 18 lac for one person and stated that we have to pay them for the expenditure of file and for medical Firstly and thereafter on getting work the same will be deducted from your account. We accepted the same. They told us that for one person the expenditure of file and medical will be Rs. 10,50,000/-. They took Rs.*

3,00,000/- from each of us i.e. total Rs.12,00,000/- in cash. So, they got our medical conducted. Again they asked us that we will have to give them Rs.7,50,000/- more and our file will be prepared, so we all gave them a sum of Rs. 7,50,000/- in this way the total amount given to them came to Rs.30,00,000/-. Thereafter we all four of us took from India on 03 June and left us there. They left us there and stated that I will call you from Australia on my reaching there. We telephoned them repeatedly but they put us off on one excuse or the other. After 4-5 days they stopped receiving over telephone call. We waited for them in Thailand upto 18th June but nobody came there then we returned to India from Thailand on 19th June while arranging our own ticket. On reaching the our houses we went to the office of Biju Dangwal but he did not meet us. Sir Biju Dangwal has defrauded all four of us. It is requested that legal action be taken on our application and our money be got recovered. I will be thankful to you. Thanks. Accused Biju Dangwal no.8950864737. Sd/- Aman Singh son of Shri Shyam Sunder.7015350132 resident of village Rasulpur, Tehsil Saudhora, District Yamunanagar. Himanshu Shri Himanshu son of Raj Kumar resident of village Chechi Majra, Mandeep Kaudhary son of GurmukhSingh 9501833787 resident of Naraingarh District Ambala Lucky son of shri Raj Kumar"

(3). Learned counsel for the petitioner contends that there is no case of forgery or cheating as alleged and in fact the petitioner was running an office for sending the people abroad and complainant Aman and other persons came to him. It is submitted the petitioner was arrested on 04.07.2023 and no recovery can be effected from him. He further averred that there are total 14 PWs and only three PWs have been examined as such the trial is going to take time to conclude.

(4). On the other hand, learned State counsel has produced custody certificate dated 02.07.2024 which is taken on record and in terms thereof, the petitioner has undergone only 11 months and 28 days of custody. That apart, it is averred that the petitioner is found involved in 9 other case including under the Immigration Act with similar allegation and as such, since the petitioner appears to be involved in some gang operating for illegal immigration and duping the people of their hard earned money, the petitioner cannot be released from jail, at this stage.

(5). Heard learned counsel for the parties.

(6). A perusal of the contents of the FIR would show that there are four young boys who approached the petitioner for sending them to Australia and for that purpose, they gave Rs.3 lakhs each (total Rs.12 lakhs) to the petitioner and instead of sending them to Australia, they were taken back to India after spinning around Thailand. Another aspect which cannot be ignored is that the petitioner has been found involved in 9 other such or similar criminal cases of fraud, cheating and duping the gullible people of their hard earned money by falsely alluring them to go abroad. If the petitioner is released, there are every likelihood that he may tinker or coerce the evidence and witnesses to his favour. At this stage, it is better that the petitioner remains inside and cooperate with the trial proceedings.

(7). Therefore, at this stage, this Court does not find any merit in the submissions raised by his learned counsel and as such, it is not a fit case to grant the concession of regular bail to the petitioner.

(8). Dismissed.

04.07.2024
V.Vishal

(Sandeep Moudgil)
Judge

1. Whether speaking/reasoned? ***Yes/No***
2. Whether reportable? *Yes/No*