2024:PHHC:134819

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39544-2024
Date of Decision:- 15.10.2024

SUNIL KUMAR ....Petitioner

Vs.

STATE OF HARYANA ...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. C.S. Jattana, Advocate for petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. Samay Sandhawalia, Advocate for the complainant.

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AMARJOT BHATTI, J. (Oral)

1. Petitioner – Sunil Kumar has filed the instant petition under Section 482 of BNSS for grant of anticipatory bail in FIR No.233 dated 15.06.2024 under Sections 406, 420 IPC (Sections 467, 468, 471 and 506 IPC added later-on) and 24 of Immigration Act registered at Police Station Pundri, District Kaithal.

2. As per facts of case, FIR has been registered on the written complaint of Rajender Singh who alleged that his brother-in-law Rinku wanted to go abroad and work there. Accused Vijender and Deepak were on visiting terms with him. Vijender introduced him that Ajay and Vipin

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were doing the business of sending the people abroad. They assured to send his brother-in-law Rinku to America in a sum of Rs.41 lakhs. They took passport and other documents of his brother-in-law. Sum of Rs.30 lakhs were paid in cash. Accused had sent his brother-in-law to Dubai for 2 months visa on 20.06.2022 but thereafter they did not send him to America. Rinku was kept confined in a room in Dubai. They took Rs.11 lakhs in cash for sending his brother-in-law to America. Accused persons handed over fake ticket for Maxico. Request was made to return their money and in pursuance of this they returned Rs.24,90,000/- to him and asked them to pay balance of Rs.16,10,000/-. A settlement was arrived at before Economic Offences Wing, Kaithal. Cheque of Rs.5 lakhs was handed over but it was dishonoured. In this way, accused persons have committed fraud with them.

3. Learned counsel for petitioner argued that he is falsely implicated by complainant. No recovery is to be effected from him. He does not have criminal antecedents. Earlier he had joined the investigation on 20.07.2024 in pursuance of order dated 16.07.2024 (Annexure P-2). His anticipatory bail application was declined by learned Additional Sessions Judge vide order dated 01.08.2024 (Annexure P-3) by wrongly relying upon reply filed by Investigating Agency. Even otherwise, complainant has effected compromise with other accused who had received money. Affidavit of Rajender in this regard is Annexure P-4. He is also ready to join investigation as and when required. Therefore, his anticipatory bail application may be allowed.

4. Bail application is opposed by learned counsel representing State assisted by learned counsel for the complainant. Detailed status report has

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been filed. It is argued that earlier matter was settled with petitioner before Economic Offences Wing, Kaithal by giving cheque of Rs.5 lakhs and by giving Rs.11.10 lakhs to Vijender Singh as guarantor. Said cheque was bounced and the accused committed fraud upon complainant in connivance with Vijender Singh. Because of the conduct of present petitioner, his anticipatory bail was rightly declined by the Court. It is pointed out that no compromise has been effected with present petitioner. Therefore, he is not entitled to be released on anticipatory bail.

5. I have considered the arguments and have gone through the record carefully. Perusal of record shows that initially when anticipatory bail application was filed before the trial Court he was granted interim relief and he joined investigation. Later-on, when compromise could not materialise, his anticipatory bail was declined vide order dated 01.08.2024. Today learned counsel for petitioner has referred to the compromise i.e. affidavit of Rajender dated 23.08.2024 attested by Notary where it is categorically alleged that earlier sum of Rs. 24.90 lakhs were returned and thereafter in Panchayat matter was compromised with other co-accused regarding balance payment. Compromise with other co-accused is also confirmed by learned counsel representing State. So far as present petitioner is concerned, he is also ready to join investigation as and when required. In the light of compromise arrived at with other co-accused, No purpose would be served by sending present petitioner behind the bars. Therefore, without going on the merits of the case, anticipatory bail application filed by present petitioner is allowed. In case petitioner is arrested, he be released on bail to the satisfaction of Arresting Officer/Investigating Officer subject to the condition that petitioner will

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join investigation as and when required. He will not tamper with or interfere with the investigation and will not leave the country without prior permission as provided under Section 482 (2) of BNSS.

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

15.10.2024 **(AMARJOT BHATTI)**
snd **JUDGE**

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

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