



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40873-2024
Date of Decision:23.08.2024

Amrik Singh ...Petitioner

vs.

State of Haryana ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present: Ms. Tanvi Jain, Advocate
for the petitioner.

Mr. Rajinder Kumar Banku, Deputy Advocate General, Haryana.

Mr. Deep Singh Saini, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 of B.N.S.S with a prayer to grant anticipatory bail to him in case FIR No.370 dated 16.05.2024 under Sections 406,420 of IPC and under Sections 10/24 of Immigration Act, registered at Police Station Shahabad, District Kurukshetra (Annexure P-1).
2. The FIR in the present case was registered on the basis of the statement made by Sandeep Singh son of Jagir Singh. As per the complainant, the accused is a distant relative of the complainant party and was working as a travel agent to send people abroad. As per the complainant, in the first week of March 2022, the accused came to their house and falsely represented to the complainant that the accused will manage a Visa for the complainant, his wife Parvinder Kaur and his son Anishdeep. A sum of Rs.10 lacs demanded by the

accused and accordingly, all the documents relating to immigration were handed over by the complainant side to the accused. Even the accused obtained the signatures on certain papers and asked the complainant side to come to Delhi for visa formalities. As per the complainant, a sum of Rs. 9,80,000/- was taken by the accused from the complainant on different dates and a false assurance was given to send them to New Zealand. As per the complainant, the complainant side was sent to New Zealand via Malaysia. When they reached Malaysia on 28.11.2023, they were deported back to India after physical and mental torture. The complainant further alleged that the accused had cheated them by making a false representation that they will be settled in New Zealand. After return, when they contacted the accused, they were threatened and the accused flatly refused to return the money. With these broad allegations, the FIR in the present case was registered against the accused by the complainant.

3. Learned counsel for the petitioner submits that a false case was got registered by the complainant by colluding with the local police. In fact, the petitioner is running the business of tour and travels and had booked the tickets for the complainant and his family members. Learned counsel for the petitioner has referred to the whatsapp screenshot (Annexure P-2) to contend that even the copy of the visa was supplied to the complainant side. Thereafter, on the request of the complainant, air tickets, travel insurance and hotel booking were arranged by the petitioner, which is evident from the whatsapp chat (Annexure P-3). Learned counsel has placed reliance on the copies of air tickets (Annexure P-4) to contend that the petitioner had booked the air tickets and had made all arrangements for the travel of the complainant and his family members. On 27.11.2023, the complainant along with his wife and son boarded

a plain from New Delhi to Auckland (New Zealand), but the flight had a layover at Kaula Lumpur, Malaysia, where the immigration authorities were not happy with the answers given by the complainant side. At Kaula Lumpur, the wife and son of the complainant were permitted to travel further to Auckland, but the complainant was not granted the permission by the authorities at Malaysia. Learned counsel for the petitioner has also placed reliance on the boarding passes (Annexures P-5 to P-7) in this regard. Learned counsel further contends that from Kaula Lumpur, the complainant and his other family members had refused to travel any further and returned to India. She further contends that since the petitioner had already paid the expenses for the air tickets, travel insurance and the hotel bookings of the complainant and his family members, there was no question of returning the amount to the complainant and the complainant is now using the threat of arrest as an arm twisting measure. She further contends that the petitioner had supplied all the documents to the local police, still under the influence of the complainant, the petitioner is facing the threat of imminent arrest in the instant case.

4. On the other hand learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by the learned counsel for the petitioner on the ground that the petitioner was acting as a travel agent and had taken a sum of Rs.9,80,000/- on the false representation of sending the complainant and his other family members abroad. Learned State counsel further submitted that the petitioner is facing one more similar case and does not deserve the concession of bail.

5. I have heard the learned counsel for the parties and perused the record carefully.

6. From the allegations levelled by the complainant in the present case, it is evident that the entire case hinges upon the documentary evidence, which has already been annexed by the petitioner with the present petition and was also presented to the police by the petitioner. Apart from that, it is also apparent from the documentary evidence, which is placed on record that the complainant, his wife and son had travelled abroad, however, there was apparently some dispute between the complainant side and the immigration authorities abroad and this Court is of the prima facie view that the petitioner cannot be blamed for the said conflict.

7. Without commenting any further , the present petition is allowed and the petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Sections 482 (2) of the B.N.S.S . It will be open for the Investigating Officer to call the petitioner to join the investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 482 (2) of the B.N.S.S.

23.08.2024

hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No