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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-40541-2024

Date of Decision: August 22, 2024

ROZY KAUR

.....Petitioner(s)

V/S

STATE OF HARYANA AND ANOTHER

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Adarshpreet Singh Dhaliwal, Advocate
for the petitioner.

Mr. B.S. Virk, Senior DAG, Haryana.

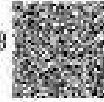
SANDEEP MOUDGIL, J.(ORAL)

1. Relief Sought

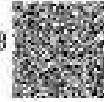
The jurisdiction of this Court under Section 482 Bhartiya Nagrik Suraksha Sanhita, 2023, has been invoked seeking the concession for the grant of anticipatory bail to the petitioner in FIR No.1488 dated 19.10.2023 under Sections 406, 420, 467, 468, 471, 506, 120-B IPC and Section 24 of Immigration Act and Section 25 of Arms Act, registered at Police Station Civil Lines, Karnal, District Karnal, Haryana.

2. Prosecution story set up in the present case as per the version in the FIR read as under :-

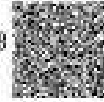
*‘Copy of the complaint is such that, To, SHO, Civil Line
Karnal. Subject: Application regarding action to be taken
against the accused (1) Virendra alias Viren son of Shri*



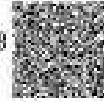
Mahabir Singh, M.No. 70561-96987, (2) Mahabir Singh son of Unknown, M.No. 87087-18624, residents of Ward No. 08, near Power House Asanya, District Karnal (3) Dharampal Ramkishan, M.No. 95922-25999, son Shri 971567- 414205, 971581398973, (4) Rosy Kaur wife of Dharampal, M.No. 99146-63667, residents of House No. 503, Street No. 2, Near Sikka Gas Godown, Preet Vihal, Batala Road, Amritsar for extorting Rs. 24,00,000/- by fraud under the pretense of sending abroad and threatening to kill if the money is demanded back. Sir, it is humbly submitted that 1. Sandeep Kumar, son of Shri Satyawar Singh, is a resident of village Padha, Police Station Munak, District Karnal and alongwith farming, I do private recovery work for banks in Karnal. That my office is Eye Care Consultancy, Hospital Chowk, near Government Hospital, Karnal. My nephew Pankaj son of Shri Balraj Singh, resident of Barota, District Karnal, has been living with me for many years, whom I take care of and whose education I have also got done. Who is 12th pass, who wanted to go abroad to study and work after seeing other boys. Whom I also agreed to send abroad. In our village Padha, accused No. 1 Virendra alias Viren is married to Silky, daughter of Rampal in the neighbourhood. We got acquainted with him. Because we have very good relations with Silky's family. That the accused No. 1 Virendra alias Viren and accused No. 2 Mahabir Singh, both father and son, are in the profession of sending people abroad. Who have a shop by the name of Mahavir Tobacco Store on Salwan Road in Kaswa Assandh and a house nearby. On January 7, 2023, I along with my nephew Pankaj, met the above mentioned accused Virendra alias Viren and Mahabir Singh at their tobacco shop in Assandh, after which, I decided the matter with the above mentioned accused No. 1 and 2 about sending my nephew Pankaj abroad to Australia. The total amount of the same was settled in Rs 25,00,000/-. Wherein, it was decided to pay Rs.



12,50,000/- on arrival of visa and the remaining Rs. 12,50,000/- later on reaching Australia. After that, Virendra alias Viren kept talking to me again and again about giving money, saying to prepare the money quickly, the visa is about to come. On 25.01.2023, Virendra alias Viren messaged me on WhatsApp about visa and raised the demand of money. That the photocopy of chat and visa is also available in my phone. I could withdraw the money due to 26.01.2023 being holiday On 27.01.2023. I withdrew Rs.10.60,000/- from Pankaj's Bandhan Bank account number 50200013612624 and Rs. 1,90,000/- from my wife Babita Devi's HDFC Bank account totaling Rs. number 99909813203131, 12,50,000/- Rupees and informed-accused No. 1 and 2 and Virendra alias Viren and his father Mahabir Singh came to my office Eye Care Consultancy, Hospital Chowk, near Civil Hospital, Karnal and took away Rs. 12,50,000/- and at that time, my nephew Pankaj, Tanuj Madan and Sanjeev Kumar who work with me and other office employees were also present. Thereafter, when we demanded ticket to Australia from accused No. 1 and 2, they gave us a ticket for Sydney, Australia on 23 February 2023 and for 4 March 2023. Whereupon, when I reached Delhi airport to drop Pankaj on 04.03.2023 and my nephew Pankaj was about to enter, I came to know that on 03.03.2025, Virendra alias Viren got the ticket canceled and got his ticket payment refunded. We came back to our home and the next day, when we reached Virendra alias Viren's house, we found Virendra alias Viren and his father Mahabir at home. When we inquired about the ticket, they apprised that the visa on which we were sending Pankaj from India to Australia is not valid, as such, we took back the ticket and could not inform you. Then he said that we will now send Pankaj to Australia via Bangkok. We agreed to their words and went to our home. After a few days, Virendra alias Viren and Mahavir, through Virendra alias Viren's phone, gave me



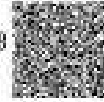
a ticket for Bangkok on 20th March 2023 for Pankaj for 22nd March 2023 and sent Pankaj to Bangkok on 22nd March 2023. With whom a boy named Raj, a resident of Barota, had also gone along. Accused No. 1 and 2 kept telling me and my nephew Pankaj every day that someone was coming to give Pankaj a ticket to Australia. Whereas no one came there with the ticket. When no one came, I got my nephew Pankaj a return ticket to India dated 11.04.2023 and called him back. After that, we again took the Panchayat to the house of Virendra alias Viren in Assandh. Whereby Virendra alias Viren and his father Mahabir Singh were found at home. I talked to them and asked for the money back. They said give us a few days time and we will send Pankaj again. We have also given the money to someone else. Whereupon, Virendra and Mahabir gave Us Pankaj's visa for Dubai and ticket dated 6th July 2023, who apprised us that now Pankaj will join the cricket team from Dubai to Australia. After that, accused No. 1 and 2 introduced us to Dharampal son of Shri Ramkishan, accused No. 3 and his wife Rosy Kaur, resident of House No. 503, Street No. 2, near Sikka Gas Godown, Preet Vihal, Batala Road, Amritsar, Punjab accused No. 4 and also gave us their phone numbers and told us that both of them also work to send boys abroad. Accused No. 3 and 4 will meet Pankaj in Dubai on 8th July 2023. That Dharampal and Virendra alias Viren told us that you have to take USA 9500 dollars with you. that Pankaj will give the same to Dharampal after leaving Australia airport and gave the phone numbers of Dharampal 9592225999 and his wife Rosy Kaur 9914663667. Subsequently, on 6 July 2023, Pankaj left for Dubai from Delhi and alongwith Pankaj, many other boys were also sent by Dharampal and Virendra alias Viren and Mahabir. Thereafter, on 9 July 2023, Dharampal met Pankaj in Dubai. Whereupon, Dharampal took Pankaj and other boys to the cricket ground the next day and Dharampal told Pankaj that



you have been selected in the cricket team, now you will go to Australia to play for the Egyptian cricket team and you will get a visa and thereafter, the accused Dharampal gave a visa to Pankaj for Egypt. Then on July 19, Dharampal sent Pankaj a visa to Egypt and called him at the airport alongwith the luggage on July 20, 2023 and said that I will also give the visa and ticket to Australia and at the same time, Pankaj got a call from Virendra alias Viren asking him to pay 9000 USA Dollars (Rs. 7,74,000/-) to Dharampal and take your passport and Australian visa. Then Dharampal gave the passport to Pankaj and took the money and went inside the airport to get a visa for Australia and did not return. My nephew Pankaj stood outside the airport for a long time and when Dharampal did not return, Pankaj told me everything on phone, then I called Virendra alias Viren and Mahabir. Who told me not to worry, Dharampal will give me the visa for Australia. But later, we came to know that Virendra alias Viren switched off his phone on August 3, 2023 and fled abroad illegally. Thereafter, after a long wait, we booked return ticket for Pankaj on 4th August 2023 and called him to India. After that, we went to Assandh to meet Mahabir. But Mahabir was not found at home, when I talked to him on phone, he said that he is searching for his son and I will give you all the money after finding my son, but if you trouble me too much, I will kill you and will not get even the money and will loose your life as well. Whereupon, we came to know that on 10.08.2023, Mahabir also went to his other son Surendra, who lives in Canada. Thereafter, I asked for my money back from Dharampal and Rosy Kaur and also went to their house in Amritsar, Punjab, the above two also threatened to kill me Virendra if I asked for the money back. alias Viren and Mahabir and Dharampal and Rosy Kaur have defrauded us of Rs. 20,24,000/- as part of a well- planned conspiracy and have threatened to kill us if we ask for money. Therefore, you



are requested that legal action should be taken against the above mentioned accused Virendra alias Viren, Mahabir, Dharampal and Rosy Kaur and my life and property should be protected and I should be provided justice. It will be very kind of you. Place: Karnal. Dated: M.No. 77948-50000, 98132-03131 1. Australia Visa 2. Australia Ticket 3. Thailand (Bangkok) Visa 4. Dubai Visa and Ticket 5. Egypt Visa 6. Bank Details 7. WhatsApp Chat, copies of all the aforementioned documents are appended herewith. Applicant SANDEEP KUMAR Sandeep Kumar son of Shri Satyawan Singh, resident of village Padha, Police Station Munak, District Karnal. Today Police Station: Presently, I, ASI Banshi Lal. am present in the police station, that on the receipt of one complaint bearing No. 0001323105230365 dated 31.08.2023 Superintendent from of the office of Police, Karnal, pertaining to Sandeep Kumar son of Shri Satyawan Singh, resident of village Padha, Police Station Munak, District Karnal against Virendra alias Viren son of Shri Mahabir Singh M.No. 70561-96987, (2) Mahabir Singh son of Unknown M.No. 87087- 18624, resident of Ward No. 08, near Power House Assandh, District Karnal (3) Dharampal son of Shri Ramkishan M.No. 95922-25999, 971567414205, 971581398973, (4) Rosy Kaur wife of Dharampal, M.No. 99146-63667, residents of House No. 503, Street No. 2, near Sikka Gas Godown, Preet Vihal, Batala Road, Amristar in the police station regarding fraud and embezzlement of Rs 20,24,000/- by giving fake visa under the pretense of sending the complainant's nephew Pankaj abroad and threatening to kill him, case bearing No. 1488 dated 19.10.2023 under Section 406, 420, 506, 467, 468, 471, 120B IPC and 24 Immigration Act has been registered at the Police Station Civil Line Karnal. I took the copy of police file alongwith original complaint in my custody and instituted the investigation proceedings and the remaining copies of the FIR



in the present matter are being forwarded in favour of senior officials by post.'

3. **Contentions**

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case as there is no Bank transaction in the account of the present petitioner and her name has been roped in the present case just because she is the wife of Dharampal who took 9000 Dollars from Pankaj. Learned counsel for the petitioner submits that now a settlement has been arrived at between the petitioner and respondent No.2-complainant on 09.07.2024 (Annexure P-2).

On behalf of the State

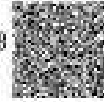
Learned State Counsel appearing on advance notice is not in a position to oppose the prayer for grant of anticipatory bail.

On behalf of the complainant

Ms. Shiron Tyagi, Advocate, for Mr. Shivam Grover, Advocate puts in appearance on behalf of respondent No.2 and has filed Power of Attorney in Court, which is taken on record. She affirms the factum of compromise and has no objection to the same and does not want to pursue with the matter any further.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions made by counsel for the parties, hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail wherein the petitioner



has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Decision**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is directed to be released on anticipatory bail subject to his joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of which are reproduced below :-

'When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section

(3) of section 480, as if the bail were granted under that section.'

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

The petition in the aforesaid terms stands allowed.

(SANDEEP MOUDGIL)
JUDGE

22.08.2024
Sangeeta

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