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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-40755-2024
Date of Decision: August 23, 2024

ASSIM

…...Petitioner(s)

V/S

STATE OF HARYANA

…...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: None for the petitioner.

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

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SANDEEP MOUDGIL, J.(ORAL)

1. **Relief Sought**

The jurisdiction of this Court under Section 482 B.N.S.S., has been invoked seeking the concession for the grant of anticipatory bail to the petitioner in FIR No.296 dated 30.06.2024, under Sections 406, 419, 420, 467, 468, 471 and 120-B IPC, 1860 registered at Police Station Kurukshetra University, Kurukshetra.

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

> *'A complaint No. 922 dated 06.06.2024 was received at the police station through postal mail from the office of the Superintendent of Police, Kurukshetra, which is as follows To, The Superintendent of Police, Kurukshetra. Subject: Application against 1. Basant Kumar (Mobile Number 98137-43840) resident of Radaur, District Yamunanagar, 2. Parmod (Mobile Number 7988959007) resident of Village Chorpura,*

Tehsil Indri, District Karnal, 3. Assim (Mobile Number 9802544347) son of Shri Satyawan Sahrawat, resident of Kishangarh Manimajra, Chandigarh, 4. Manjeet Sahrawat (Mobile Number 9915510075) resident of Kishangarh Manimajra, Chandigarh, 5. Guri (Mobile Number 8437089914) Regarding cheating and fraud of Rs. 35,00,000/- (thirty-five lakh rupees) committed by the aforementioned accused in the name of sending abroad. Sir, the applicant humbly requests as follows 1. The applicant Shubham Chauhan, son of Shri Kuldeep Singh, is a resident of Village Amin, Tehsil Thanesar, District Kurukshetra, and is an educated, peace-loving person. 2. On 14.02.2024, I was at home in my village when I had a conversation from my mobile number 9896961323 with the number 8437089914, where the person introduced himself as Guri. He told me over the phone that he is involved in sending people abroad and that he only takes payment after sending them abroad. I was convinced by his words and sent all the required documents through WhatsApp from my friend Saurabh's and my maternal cousin Amit Kumar's phone. After reviewing all the documents, the accused assured me that he would get visas for Australia for both of us and send us to Australia. The accused then told me over the phone to deposit Rs. 36,00,000/-(thirty-six lakh rupeesj at shop number 24 - A in New Anaj Mandi, Pundri, with M/S Jati Ram Praveen Kumar Aadti (commission agent), saying that he would collect the money from the Aadti (commission agent) after sending us abroad. He also assured that if he could not send us abroad, the money would be returned to me. On 23.02.2024, I went with my friend Krishan Kumar to deposit Rs. 36,00,000/- (thirty-six lakh rupees) at shop number 24 - A in New Anaj Mandi, Pundri, with M/S Jati Ram Praveen Kumar Aadti (commission agent), and obtained a receipt on the Aadti (commission agent)'s letterhead.

However, on 26.02.2024, the accused informed me over the phone that he could not send us abroad at that time and instructed me to collect the money back from the Aadti. I then retrieved my money from the Aadti and returned the letterhead receipt to him. 4. But a few days later, on 04.03.2024, the accused told me to go to Delhi Airport, where I would receive the visa and ticket. Following his instructions, on 04.03.2024, I went to Delhi with my friend Saurabh and my maternal cousin Amit Kumar. Then, with the wrong intention of cheating me out of my money, the accused told me to deposit Rs. 35,00,000/- (thirty- five lakh rupees) at shop number 26 M/S J.VG Trading Co. in Radaur Mandi, District Yamunanagar, stating that both visas had arrived. He also told me that I would need to go to Mumbai, where I would receive the visas for Saurabh and Amit Kumar. I went to Mumbai with Saurabh and Amit Kumar. Through my friend Krishan, I had the amount of Rs. 35,00,000/- (thirty-five lakh rupees) deposited at the address provided by the accused. At the shop number 26 M/S J.V.G Trading Co. in Radaur Mandi, District Yamunanagar, Basant Kumar (mobile number 98137-43840), a resident of Radaur, District Yamunanagar, who was the Adati, was present along with Parmod (mobile number 7988959007), a resident of Village Chorpura, Tehsil Indri, District Karnal, who was the accountant, and Assim (mobile number 9802544347), son of Mr. Sagawan Sahrawat, and Manjit Sahrawat (mobile number 9915510075), both residents of Kishangarh, Manimajra, Chandigarh. All these accused conspired together, counted all the money from Krishan, and provided a receipt on the letterhead of shop number 26 M/S J.V.G Trading Co. for Rs. 35,00,000/- (thirty-five lakh rupees) to my friend Krishan Kumar. The next day, the mobile number 8437089914 of Guri was switched off, which made me believe that my Rs. 35,00,000/- (thirty-five lakh rupees) were safely *kept with the Adati at shop number 26 M/S J.V.G Trading Co. in Radaur Mandi, District Yamunanagar. However, when I went to shop number 26 M/S J.V.G Trading Co. in Radaur Mandi, District Yamunanagar on 10.03.2024, I found the shop locked. On the same day, I went with my friend Krishan to the house of Vikram Singh, the real owner of shop number 26 M/S J.V.G Trading Co., in Village Hadtan, Radaur Mandi, District Yamunanagar. Vikram Singh informed me that he was the actual owner of the shop and that Basant Kumar and Parmod Kumar, along with the other accused, had conspired to create a fake letterhead of his shop and pretended to be the owners, thereby cheating me out of Rs. 35,00,000/- (thirty-five lakh rupees). Vikram Singh called Basant Kumar, Parmod Kumar, and Assim to his home in Village Hadtan on 11.03.2024. Everyone sat together and held a meeting (panchayat). During this meeting, Assim, through one of his friends, reported to Dial 112 that he had been kidnapped. Shortly afterward, the police arrived, and everyone present was called to the Kheri Lakha Singh police post. The next day, on 12.03.2024, a panchayat was held at the police post, during which the accused returned Rs. 3,85,000/- to me. In this meeting, the accused asked for time until 27.03.2024 to return all the money, with the responsibility for ensuring payment taken by Surender, the Sarpanch of Lavana village. On 19.03.2024, Basant Kumar's son Sahil transferred Rs. 1,00,000/- to my bank account, and on the next day, 20.03.2024, Rs. 1,12,000/- was given to me. After this, on 27.03.2024, all the accused and Surender, the Sarpanch of Lavana village who had taken responsibility for payment, started making excuses over the phone. Subsequently, I filed a complaint, No. 166-KB, on 04.04.2024 with the Superintendent of Police, Kurukshetra. The Economic Cell, Kurukshetra summoned the accused, and they promised to resolve the matter by 06.05.2024. They also* *provided an affidavit on 19.04.2024, including two checks: one for Rs. 10,00,000/- dated 20.05.2024, and another for Rs. 13,20,000/- dated 25.05.2024. When I presented the first check at the bank on 20.05.2024, it bounced on 21.05.2024. The second check, which I deposited on 30.05.2024, also bounced. All the accused conspired to defraud me by pretending to secure an Australian visa and sending me abroad. They created a fake letterhead, provided me with a receipt for Rs. 35,00,000/- and deceived me. I suspect that Assim, son of Mr. Satyawan Sahrawat, residing in Kishangarh, Manimajra, Chandigarh, was impersonating Guri and communicating with me through phone number 8437089914. I have documents related to this application which I can present upon request. Request: Therefore, I request that considering the above facts, strict legal action be taken against the accused by a competent officer, and my money be recovered from the accused, so that the common man's faith in the administration remains intact. Thank you. Date: 05.06.2024 SD/ Shubham Chauhan Kurukshetra Petitioner Shubham Chauhan, son of Mr. Kuldeep Singh, resident of Village Amin, Tehsil Thanesar, District Kurukshetra. (Mobile Number 989696:323). The above complaint was received at the police station via post. After reviewing the complaint and investigation report, it was found that offenses under Sections 406, 419, 420, 467, 468, 471, 120B of the IPC had been committed. Accordingly, FIR No. 296 dated 30.06.2024 was registered under Sections 406, 419, 420, 467, 468, 471, 120B of the IPC. Copies of the First Information Report (FIR) were prepared and sent via post to the concerned officers. The original complaint and investigation report were handed over to ASI Gurudev Singh, No. 175, for further investigation. This case was registered by ASI Gurudev Singh, No. 175, in his presence.'*

3. **Contentions**

On behalf of the petitioner

As per pleadings as mentioned in the petition, petitioner has been falsely implicated in this case without any concrete evidence proving his direct involvement in the alleged fraud. The main accused Pramod Kumar and Manjeet Sahrawat have already been arrested and there is no monetary transaction ever effected between the complainant and the present petitioner.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions opposes the prayer for grant of anticipatory bail on the ground that custodial interrogation of the petitioner is required and necessary for thorough investigation in the matter.

On behalf of the complainant

Mr. Ashutosh Gupta, Advocate, puts in appearance on behalf of the complainant and has filed his Power of Attorney in Court, which is taken on record.

4. **Analysis**

Be that as it may, after giving a thoughtful consideration to the pleadings mentioned forth in the petition, 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

23.08.2024
Sangeeta

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