



223

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

**CRM-M-40679 of 2024
Date of decision: 24.09.2024**

Javed Khan and others**....Petitioners**

Versus

State of Haryana**....Respondent****CORAM: HON'BLE MRS. JUSTICE AMARJOT BHATTI**

Present: Mr. J.S.Grewal, Advocate
for the petitioners.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. N.K.Chhokar, Advocate
for the complainant.

AMARJOT BHATTI, J (Oral):

1. Petitioners-Javed Khan, Juned Khan and Muhamad Inam @ Mohamd Enam, have filed anticipatory bail application under Section 482 of BNSS, in FIR No.100 dated 31.07.2024 registered under Sections 406, 420, 506, 34 IPC, at Police Station Bapoli, District Panipat.

2. As per the facts of the case, complainant Wadil Hassan gave his statement to the police that he was educated and unemployed person. Sister of Javed Khan was married in their neighbourhood. Therefore, he used to visit his house. Javed Khan advised him to go abroad for better life. He suggested that he will send him to Moscow and thereafter to Canada and will also provide work over there. He further claim that he had already sent number of persons to foreign country. He had a talk with his family

and his father also called Javed Khan to their house. Ultimately, the matter



was settled in Rs. 25,00,000/-. He was told that Javed Khan would send him to Moscow for six months and will provide work and food over there and from there he will be sent to Canada and would also provide him work there. He handed over his passport and other documents. His father sold ancestral property to arrange money. His father had given total sum of Rs. 7,39,000/- and on this he asked the accused to give him ticket. Accused further raised demand of Rs. 5,00,000/- to purchase ticket and to make payment to the agent. He again paid Rs.5,00,000/- to accused in his office at Zirakpur. He was assured that ticket will be sent to him within one or two days and then he can go to Moscow. After receiving the aforesaid amount, Javed Khan never sent him ticket rather raised demand of Rs.10,00,000/- more. The complainant told him that he will make balance payment on reaching Moscow otherwise he should return his money. Ultimately, the accused refused to return money and he was threatened with dire consequences.

3. Learned counsel for petitioners argued that petitioners had arranged student Visa for the complainant but later on he changed his mind and asked to refund the entire amount. Petitioners had utilized money for procuring student Visa for the complainant. Along with the petition, he has placed on record copy of Visa as Annexure P-2. (with translated copy). He has also annexed one letter Annexure P-5 along with its translation for allegedly applying for student Visa. Therefore, allegations levelled by the complainant are false. Petitioners are ready to join the investigation.

4. On the other hand bail application is opposed by learned counsel for the respondent-State. It is pointed out that present petitioner-



the pretext of sending the complainant to Moscow for six months on work permit and from there he was to be sent to Canada. Complainant was joined in investigation, who produced copy of his passport and copy of Visa which was for study purpose and not for work permit. Even otherwise, Visa was issued only for 37 days instead of six months. It is pointed out that investigation of this case is still going on. Therefore, his custodial interrogation is required.

6. I have considered the arguments and have gone through the record as referred above. Present petitioner-Javed Khan came in contact with the complainant and assured him to send him to Canada via Moscow. As per the FIR, Javed Khan had received Rs. 12,39,000/- from the complainant, but thereafter could not fulfill his promise. Names of the other petitioners cropped up during investigation. They received cash amount from the complainant on different dates. In order to defraud the complainant, he was arranged Visa for Moscow only for 37 days for study purpose, which the complainant refused to accept. The matter requires thorough investigation. Hard earned money of the complainant and his family is involved.

7. Considering the gravity of offence, I do not find a fit case for anticipatory bail and the same is accordingly declined.

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

(AMARJOT BHATTI)
JUDGE

24.09.2024

monika	1. Whether speaking/ reasoned	:	Yes /No
	2. Whether reportable	:	Yes /No