



CRM-M-42182-2024

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107 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-42182-2024
Date of decision: 29th August, 2024

Kirpal Singh

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Bhupender Singh, Advocate for the petitioner.

Mr. Arjun Lakhanpal, Addl. A.G., Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 438 of Cr.P.C.
seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
157	04.07.2024	Jathlana, District Yamunanagar	406 and 420 of IPC, 1860 and Sections 10 and 24 of Immigration Act

2. Brief facts of the case relevant for the purpose of disposal of this petition are that a written complaint submitted by the complainant Jilavati alleging therein that her 24 years old son Dharamvir was unemployed and was in search of some work. He had been got introduced by one Sukhdarshan with the present petitioner who had allured the son of the complainant to send him abroad on work permit. The petitioner also

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represented to her son that he could secure a job for him at some good place in some foreign country on incurring reasonable expenses. On being so induced, the complainant had given nod to the petitioner to make arrangement for sending her son abroad. All the requisite documents were handed over to the petitioner. After some days, the petitioner told the son of the complainant to deposit a sum of Rs. 4,50,000/- with him, by saying that a job suitable to him would be provided to him on handsome salary. Believing the petitioner, the complainant firstly gave an amount of Rs. 10,000/- to him to initiate the process and subsequently, sum of Rs. 2,00,000/- and Rs. 2,40,000/- respectively had been taken by the petitioner from the complainant on 08.11.2023 and on 05.12.2023. The complainant alleged that the petitioner sent her son to Kirgistan on work permit but on reaching there, it came to his notice that he had been sent only on a tourist visa and no work visa had been issued nor there was any place for him to work. The complainant then went to the accused who by extending beatings, turned her out from his office. While alleging that the petitioner had cheated them, she prayed for taking action against him. After registration of FIR, investigation proceedings were initiated and are under way. Apprehending his arrest, the petitioner moved an application for grant of bail before the learned Additional Sessions Judge, Yamunanagar, which was dismissed vide order dated 21.08.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. On the same allegations, the complainant had given an application

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earlier also. Inquiry was conducted into the matter by the police and it was closed. However, then again complaint had been filed and this FIR has been lodged in an illegal manner. The son of the complainant had transferred only an amount of Rs. 10,000/- in the bank account of the petitioner. The story that an amount of Rs. 4,50,000/- had been given to the petitioner is palpably false. Infact, a compromise was got effected between the petitioner and the complainant, in pursuance of which the petitioner has brought the son of the complainant back from Kirgistan by spending money out of his own pocket. He had fulfilled the promise made by him to send the complainant abroad but it was the latter who did not want to work there and intended to come back and further it was on the pressure being exerted by the complainant that he had brought her son back to India. No recovery is to be effected from him. His custodial interrogation is not required. He is ready to join the investigation. Therefore, it is urged that he deserves to be extended benefit of pre-arrest bail. Along with the petition, the petitioner has annexed copy of a compromise claimed to have been executed between him and the complainant as on 26.03.2024.

4. Per contra, learned State counsel who has advance notice of the petition and is ready to argue the matter, has submitted that there are serious allegations against the petitioner who duped the complainant of a sum of Rs. 4,50,000/- on the pretext of sending her son abroad on work permit but after extracting money from the complainant, he sent her son on tourist visa to Kirgistan. The terms of the compromise had also been manipulated by the petitioner. There are serious allegations against the petitioner. His custodial



interrogation is required for the purpose of effecting recovery of the money extracted by him from the complainant as well as for conducting thorough investigation in the matter. Hence, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have induced the son of the complainant as well as the complainant to part with a sum of Rs. 4,50,000/- on the pretext of sending him on work visa to some country and also to provide a good job. The son of the complainant was sent to Kirgistan on tourist visa. The allegations against the petitioner are serious in nature. His custodial interrogation is required for the purpose of eliciting the truth. The well settled proposition of law is that the powers under Section 438 of Cr.P.C. are extra ordinary powers which are to be exercised in exceptional and sparing circumstances and the same should not operate as inroad in the normal legal procedure of criminal cases by the trial Court. As this concession certainly interferes in the sphere of investigation of an offence to some extent, therefore, while granting the same, it is the duty of the Court to be circumspect and to grant such relief only when it is convinced that exceptional circumstances exist, which in my considered opinion do not exist in this case keeping in view the nature of the allegations as levelled against the petitioner. As such, finding no merits in the petition, the same is dismissed.



7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

29th August, 2024
Parveen Sharma

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