



CRM-M-43722-2024 (O&M) and another connected case

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

Date of Decision:- 09.12.2024

(1)

CRM-M-43722-2024 (O&M)

Ajay Lather

...Petitioner

Vs.

State of Haryana and another

...Respondents

(2)

CRM-M-51864-2024 (O&M)

Paras alias Parsa

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. J.S. Mehndiratta, Advocate and
Mr. Rahul Dhanda, Advocate
for the petitioner in CRM-M-43722-2024.

Mr. Naveen Kashyap, Advocate
for the petitioner in CRM-M-51864-2024.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana in
CRM-M-43722-2024.

Ms. Aditi Girdhar, AAG, Haryana in CRM-M-51864-2024.

Mr. Ajay Ghangas, Advocate
for respondent No. 2 in CRM-M-43722-2024.

AMARJOT BHATTI, J.(Oral)

Both petitions, CRM-M-43722-2024 and CRM-M-51864-

2024 as referred above arising out of common FIR are taken up together

with consent of learned counsel for parties.

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2. Petitioner **Ajay Lather in CRM-M-43722-2024** has filed petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of pre-arrest/anticipatory bail, whereas, petitioner **Paras alias Parsa in CRM-M-51864-2024** has filed petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, in FIR No. 175 dated 18.06.2024, registered under Section 406, 420 and 506 of IPC (Section 24 of Emigration Act was added on 27.08.2024) at Police Station Barauda, District Sonipat.

3. Facts of the case are Ramesh complainant filed written complaint that he was on visiting terms with Dinesh, who stated that he knew one agent who is sending boys to America. Complainant wanted to send his son and nephew abroad and in this connection, he had a talk with Dinesh. Said Dinesh told him that total expenditure for sending them to America will be ₹50 lacs each. Complainant agreed to this proposal. Complainant was told to transfer ₹7,60,000/- in account of his brother Ajay. Money was sent through RTGS. Ajay further collected ₹10 lacs from his house. He made total payment of ₹96 lacs to Ajay and Dinesh through bank transfer and by making payment in cash. Dinesh, who was dealing with buffaloes borrowed ₹31 lacs from him on 4-5 occasions in August, 2023. He requested number of times to Dinesh either send his son abroad or return his money. On 18.03.2024, his son Rajat went to the house of Dinesh to make payment, where Dinesh and his brothers threatened his son. With these allegations, present case has been registered.

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4. Learned counsel for petitioner Ajay Lather in CRM-M-43722-2024 argued that allegations levelled against petitioner are false. He has nothing to do with business of sending people abroad. He is doing business of buffaloes and in that connection, he had received ₹7,60,000/- through RTGS. There is no record to show that complainant had the capacity to give huge amount of ₹90 lacs for sending his son and nephew to America. Facts of the case indicate that allegations are against Dinesh, who is brother of present petitioner. To show his intention to return the money, he had deposited demand draft of ₹7,60,000/- with the office of Registrar General. Matter was also referred to Mediation and Conciliation Centre but no fruitful results could be achieved. Petitioner is ready to join investigation. Therefore, his anticipator bail petition may be allowed.

On the other hand, learned counsel for petitioner Paras alias Parsa in CRM-M-51864-2024 argued that petitioner was arrested on 19.09.2024. Since then, he is behind the bars. He was not named in FIR. He is falsely implicated in this case being brother of co-accused Dinesh. Since, he has already joined investigation, therefore, his regular bail petition may be allowed.

5. Status report(s) in both cases were filed, which were taken on record. In CRM-M-43722-2024, learned counsel representing State pointed out that present petitioner Ajay Lather is specifically named who also received huge amount from complainant. Disclosure statement of co-accused Dinesh further clarifies the factual position. Present petitioner received money on the pretext of sending son and nephew of complainant

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abroad. Neither the children were sent abroad nor money is returned. Therefore, petitioner is required to join in the investigation and his anticipatory bail petition may be dismissed.

Whereas, in CRM-M-51864-2024, learned counsel representing State pointed out that present petitioner was named by co-accused. From his possession, cash of ₹40,000/- was recovered. It is conceded that he has already joined investigation and at present, he is in judicial custody.

6. I have considered the arguments in both cases and have gone through the record carefully. Going through the facts of case, petitioner Ajay Lather is specifically named. He received ₹7,60,000/- through RTGS in his account and ₹10 lacs in cash. As per facts narrated in FIR, present petitioner Ajay Lather and his brother Dinesh, both were involved for sending son and nephew of complainant to foreign country. Stand taken by present petitioner Ajay Lather that money was received in connection with business of buffaloes is matter of defence. Alongwith status report, disclosure statements of co-accused are also annexed. Considering the specific role attributed to petitioner and huge amount involved in this case, I do not find a fit case for grant of anticipatory bail to petitioner Ajay Lather and petition filed by him bearing **CRM-M No. 43722 of 2024 is accordingly, dismissed.**

Demand Draft to the tune of ₹7,60,000/- deposited with Registrar General be returned to petitioner Ajay Lather as per rules, on proper receipt.

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7. So far as regular bail petition i.e. CRM-M-51864-2024 filed by petitioner Paras alias Parsa is concerned, he has already joined investigation and he is behind the bars since 19.09.2024. Trial of this case may take some time. No purpose would be served by keeping him behind the bars for indefinite time period. Even otherwise, initially he was not named in FIR. Considering the aforesaid factual position, regular bail petition filed by **petitioner Paras alias Parsa bearing CRM-M No. 51864 of 2024 is allowed**. He is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Judge concerned.

8. Pending miscellaneous application(s), if any, in both cases, stand disposed of accordingly as well.

09.12.2024

*lalit***(AMARJOT BHATTI)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No