

2024:PHHC:128099



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

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CRM-M-45191-2024 (O&M)
Date of decision: 26.09.2024

Maninderpal Singh @ Honey**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Jagjeet Singh, Advocate
for the petitioner.

Mr. A. S. Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Through the instant petition, filed under Section 482 of BNSS, 2023, the petitioner seeks anticipatory bail in case FIR No. 105, dated 15.07.2024, registered under Sections 406, 420, 120-B of IPC and Section 13 of the Punjab Travel Professional Act (Regulation) Act, 2014 at Police Station Mukeria, Hoshiarpur.

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that complainant Baldev Singh filed a written complaint before the police alleging therein that accused Jugraj Singh, who was a travel agent, in connivance with the present petitioner and other co-accused, had represented to him that he could make arrangement for sending Amrish Dutt,

son of the complainant, to France and by inducing him on this pretext, he had taken an amount of Rs. 2.5 Lakhs as advance money as well as passport and some other documents of the son of the complainant by assuring that he would arrange for a work Visa for France. He also made the complainant transfer an amount of Rs. 8 Lakhs in October, 2023 and had also received an amount of Rs. 4.5 Lakhs from the complainant in cash in January, 2023 by representing that Visa of his son had been received. On 02.09.2023, the son of the petitioner flew from Mumbai to Turkey and then Turkey to Serbia by way of illegal process. The complainant came to know that when his son was going to Serbia from Turkey, all his belongings including money had been snatched. As the complainant was unable to know the whereabouts of his son, he tried to contact accused Jugraj Singh and the petitioner to know about the well being of his son and they proclaimed that his son was living in a closed camp for a period of 90 days or more and there was no possibility of talking to him. As the complainant could not receive any news of his son for a period of more than 07 months and the petitioner and co-accused stopped taking his calls and rather started demanding more amount of money, then expecting some foul play and apprehending that his son had been abducted, he prayed for taking action in the matter. After registration of the FIR, investigation proceedings have been initiated and are under way. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Hoshiarpur but the same had been dismissed, vide order dated 02.09.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is not a travel agent and was having no

authority to send anyone abroad. There is delay of about 09 months in reporting the matter to the police. There has been no inducement on the part of the petitioner to complainant to part with any money on the pretext of sending his son abroad. The only part, which is attributed to him, is that an amount of Rs. 5 Lakhs was got deposited in his bank account on 29.08.2023 by the complainant on the asking of co-accused Jugraj Singh @ Yugraj Singh. It is submitted that the petitioner did not know the co-accused and it was only on the asking of his friend Joga Singh, i.e. another accused, that he had given details of his bank account to him on the representation made by Joga Singh that he wanted to get some amount deposited in his bank account and then wanted to get that amount transferred through online mode. It was on his asking that he had booked two air tickets. The amount so transferred to him had been further transferred in the account of Joga Singh. The petitioner was not a beneficiary to the alleged transaction. He had neither any connivance with the co-accused nor any role whatsoever had been attributed to him qua commission of subject offences. Therefore, it is urged that the present petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned State counsel has argued that there are serious allegations against the petitioner, who, in connivance with co-accused, had extracted an amount of Rs. 20 Lakhs from the complainant on the pretext of sending his son abroad. The petitioner is a travel agent and is fully associated with co-accused Jugraj Singh. An amount of Rs. 5 Lakhs was deposited in the account of the petitioner by the complainant, which established his complicity in the subject crime. The son of the complainant is untraceable till date.

Custodial interrogation of the petitioner is required for conducting proper probe in the matter and to know about the whereabouts of the son of the complainant. Therefore, it is argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

6. As per allegations, the petitioner, in connivance with co-accused, had induced the complainant to part with a sum of Rs. 20 Lakhs on the pretext of sending his son Amrish Dutt abroad. Out of aforementioned amount, an amount of Rs. 5 Lakhs had been transferred in the bank account of the present petitioner. The case is still at its nascent stage. The custodial interrogation of the petitioner is required to elicit information about the manner in which the crime was committed and to know about the complicity of other persons in the crime including co-accused. The well settled proposition of law is that while considering an application for grant of anticipatory bail, the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation or tampering with evidence including intimidating witnesses. The powers under Section 482 of BNSS are to be exercised in extraordinary and sparing circumstances. More so, custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 482 of BNSS. Many useful information can be disinterred during custodial interrogation. It has also to be seen that an order of anticipatory bail does not operate as inroad in the normal legal procedure of criminal cases by the trial Court. It is also a matter of discretion to grant or not to grant pre-arrest bail. Keeping in view the discussion as made above, I am of

the considered opinion that no extraordinary or sparing circumstance entitling the petitioner to seek concession of pre-arrest bail has been made out rather his custodial interrogation is required for thorough investigation in the matter by the police. Accordingly, finding no merit, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

26.09.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

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