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2024:PHHC:120452

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-44928-2024
DECIDED ON: 11.09.2024

ROOP LAL

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Rajeev K. Kapila, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, A.A.G., Punjab.

Mr. N.S. Kandhola, Advocate
for the complainants.

SANDEEP MOUDGIL, J (ORAL)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., 1973 for grant of pre-arrest bail to the petitioner in case FIR No.0016, dated 02.04.2024, registered under Sections 406, 420 IPC, 1860, Police Station Hajipur, District Hoshiarpur, wherein the complainant assertions is evident from the facts culled out in the FIR, which reads as under:-

> *"To the SHO PS Vivak Vihar delhi-110095. SUB: COMPLAINT/REMINDER AGAINST M/S DUBEY TRAVELS THROUGH ITS PARTNER MS.SUNIL KUMAR DUBEY MOB.NO 9810771726, 95603980790) OFFICE AT DHOBI GHAT NEAR P.S.VIVAK VIHAR (2) RAJ KUMAR ALSO PATNER OF SAID TOUR AND*

TRAVEL HAVING MOB NO. 7901940930 REGARDING COMMITTINGA FRAUD WITH THE COMPLAINANTS TO THE TUNE OF RS.50 LACS TO RS.60 LAKHS WITH THE COMPLAINANT AS WELL AS HIS RELATIVES IN WHOSE BEHALF THEY APPROCHED VISA FOR VARIOUS COUNTRIES AND UNDER THE GARB OF LOCKDOWN THEY LOOTED THE INNOCENT COMPLAINANT AND S. REQUEST FOR IMMEDIATE REGISTRATION OF CASE AGAINST THE ABOVE CULPRIT RESPECTFULLEY SHOWETH: 1. That the complainant is peace loving law abiding citizen of India, having good reputation in the society and residing at S-14 Gal no 7 Vikas Nagar, Uttam nagar, new delhi with his family Member 2. That the complainant was interested to go for job of cook at Luxembourg for which he requires visa and he came in contact with accused no. 1 and 2 both partners of Dubey tours & travel in the month of March 2020 and accused no. 1 assured that he will not only provide visa but ticket also and asked the total expenses of Rs. 6,50,000/- (Rs. Six Lacs and fifty thousand) and on the same month due to Covid-10 Lockdown was declared in entire India and said culprits assured that they will provide ticket as well as Vina for Luxembourg after lockdown and hence undersigned used to talk with accused person time to time and since July, 2020 the complainant paid total sum of Rs. 4,50,000/- including cash of Rs. 1,00,000/- and said culprits on their instructions and they provide VISA, offer letter of Luxembourg and Ticket No. PNR NO. IX-HXGXIZ issued dated Mon. 24 august, 2020 and they also introduced with accused no 3 who worked for accused no. 1 and 2 for the last 20 years and having huge approached with various Embassy. But due to Covid-19 the accused person delaying the matter on one pretext of the other or the other, thereafter accused o 1 to 3 called complainant and told that now age of complainant excess on behalf of said VIS they can send any of his relatives at any country. Thereafter complainant approached accused persons to send his nephew Yogesh Singh for Canada Visa and accused persons even further charges Rs. 5 lakhs, but the accused only for the reason of Covid-19 lingering the matter on one pretext or the other. Accused person also advised the complainant to bring more candidate and the amount paid by the complainant will be adjusted and then several other relatives also showed their willingness *and accused no 1 to 3 also advised to take money in his own current account and through his current he can transfer the amount in the accounts of No. 1 as well as accused no. 3 and complainant paid total sum of Rs. 55,00,000 apprx. But inspite of paying such huge amount of his so many relatives and known persons, the accused no. 1 and 2 even provide Visas and offer letters but the accused person did not send any person for abroach and later on the complainant also came to know that the accused person fake website on google and they also forced complainant and his family to see their status through google and only lingering the matter on the account of Covid-19. 3. That when complainant came to know that there are so more other complaints against the accused person and sad accused no. 1 to 3 are fraud and running the said work only to cheat the innocent persons. The complainant lodged a complaint with P.S Vivek Vihari and DCP Shaharda, Delhi but no action has been taken on the first complaint of the complainant. Hence the complainant now once again approached your good office for legal actions against the above said culprits. 4. Sir even common relatives and known persons blaming the complainant that he has cheated them rather there was no hand of the complainant rather The complainant himself victim at the hands of above culprits and from the complainant also the above accused person extorted Rs. 0,50,000/-from the complainant and his nephew, 5. That the complainant already sent various complaint against the above accused persons and they be book for the offence committed by accused persons. And since when the above accused no. 3 came to know about the complaint she switched her mobile phone. 6. That the acts of aboe said culprit are highly illegal, unwarranted and against the law of land. Hence the accused with malafide intention cheated the complainant and his other relatives and know persons. Hence the complainant have no option except to lodge the present complaint. It is therefore, respectfully prayed that the immediate and stem action may kindly be taken against the above culprits regarding committing fraud and cheating with the complainants and other innocent persons and their hard earned money be also retuned back to them, in the interest of justice, DELHI, DATED 31.12.2021, Yours faithfully, ROOP LAL S/O SHI RAM NATH, R/O S-14, GALI NO. 7 VIKASH NAGAR, UTTAR NAGAR, NEW*

> *DELHI-50, MOB7678657309, COPY TO 1. The Commissioner of Police P.H.Q Jai Singh Road, Conaught Place, New Delhi, 2. The DCP Shahadra Distt. DCP Officer at Bhola Nath Nagar, Shahadra, Delhi-110032, 3 The DCP Crime Branch Police Head Quarters, New Delhi Duty Officer, P.S. Vivek Vihar, Kindly registered a case UIS 420/34 IPC and investigation be handed over to us. Sd/ English S1 Amit Beniwal, P.S. Vivek Vihar, Date 8/8/2023."*

3. **<u>Contention</u>**

<u>On behalf of the petitioner</u>

Learned counsel for the petitioner contends that the family and relatives of petitioner's brother's wife Raj Kumari showed their interest in going abroad and all of them paid different sums of money to the travel agent through the petitioner and in the year 2022 an agreement was arrived between the parties according to which the petitioner's brother's wife Raj Kumari (sister-in-law) agreed to transfer her 10 marla plot to her relatives to repay their amount as they were pressurizing her to pay the money which was actually paid to the travel agents M/s Dubey Travels, New Delhi, by the petitioner and on that account the FIR has been registered having no truth in it and therefore seeks the concession of anticipatory bail before this Court in the instant petition.

<u>On behalf of the State</u>

Learned State Counsel appearing on advance notice, opposed the prayer for grant of anticipatory bail to the petitioner on the ground that two persons namely Barinder Kumar and Gurbaksh Singh got transferred an amount of Rs.7,20,000/- and Rs. 4,70,000/-, respectively, to the account of the present petitioner. Apart from that another amount in cash to the tune of

Rs.13,00,000/- has also been usurped by the petitioner along with other co-accused and on that account custodial interrogation is sought to unearth modus operandi and the racket being in operation who is not only duping the innocent people of their hard earned money but also is involved in illegal human trafficking.

4. **Analysis**

Be that as it may, considering to the aforesaid facts as discussed hereinabove and the concerned raised by the learned State counsel to the fact that petitioner is the beneficiary of the transaction as some amount has been credited to his bank account by Gurbaksh Singh and Barinder Kumar.

Though this Court was not inclined on the previous date of hearing i.e. on 10.09.2024 (yesterday) to kept the matter today in the light of volunteered statement made on behalf of the petitioner showing willingness to pay an amount of Rs.11,90,000/- to the complainant Barinder Kumar and Gurbaksh Singh but the counsel for the petitioner has U turn taken today before this Court and inference could be drawn against the present petitioner who has probably made an attempt to seek the relief by making false averments. The role and involvement of the present petitioner can be asserted only after conducting thorough investigation for which the petitioner’s custody is must to divulge details of other persons as well. There is another accused Madan Mohan to whom also the huge amount has been transferred as has been detailed, which can be made out from the perusal of pleadings reproduced hereinabove.

5. **Decision**

In the light of above, this Court having considered the reasons and the gravity of offence wherein the modus operandi adopted by the petitioner needs to be unearthed which is rampant in the State of Punjab, the petitioner do not deserve any concession of bail. Hence, the petition is devoid of any merit and dismissed.

(SANDEEP MOUDGIL)
11.09.2024 **JUDGE**
Mani Kumar

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