



CRM-M-47212-2024

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

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Date of Decision:- 12.11.2024

Himanshu @ Himanshu Thind @ Honey

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Mohit Giri, Advocate for petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

Mr. Jatinder Kumar Kansal, Advocate for
Mr. Abhinav Gupta, Advocate for complainant.

AMARJOT BHATTI, J.

1. Petitioner Himanshu @ Himanshu Thind @ Honey has filed petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in FIR No.188 dated 30.08.2024, under Sections 406, 420, 506, 34 of IPC, 1860, registered at Police Station Kotwali, District Patiala.

2. As per facts of the case, complainant Gautam Lal filed written complaint against Varun Thind and Himanshu Thind @ Honey sons of Kamal Kumar alleging that aforesaid persons were friends of complainant. Complainant wanted to go abroad for business. In the year 2019, aforesaid accused persons assured to arrange Visa for doing business in foreign

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country and in this connection he gave Rs.35,00,000/- to them in presence of Vijay Kumar and Naresh Kumar on different dates in the year 2019. In 2020-21, accused persons used to make excuses that due to Corona Virus he could not be sent to USA. In the starting of 2022, he kept on asking the accused persons to arrange for his Visa but they used to make one excuse or the other. They also kept his passport. Thereafter, they neither arranged Visa for complainant nor returned money. As a result, complaint was filed on the basis of which inquiry was conducted and present FIR was registered.

3. Learned counsel for petitioner argued that he is falsely implicated in this case. Petitioner is not doing business of immigration. In fact complainant owed huge amount from the brother of petitioner. He being having political connection got lodged false FIR against him and his brother. Version put forward by complainant is highly improbable. He is ready to join the investigation. No recovery is to be effected, therefore, his anticipatory bail petition may be allowed.

4. Learned counsel representing State assisted by counsel for complainant opposed the bail petition. Status report has been filed. It is explained that present petitioner was summoned during inquiry and talk regarding compromise was going on. The matter could not be settled. Copy of writing given by present petitioner is Annexure R-1. Petitioner did not join the inquiry despite undertaking given by him. There is detailed inquiry conducted in this regard. Report of District Attorney Legal, Patiala was called. Said inquiry report is annexed as Annexure R-2. Considering the specific allegations and huge amount involved in this case, petitioner is not entitled to be released on anticipatory bail.



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5. I have considered the arguments and have gone through the record. Perusal of status report indicates that initially, there was an effort to compromise the matter in controversy. Agreement dated 17.05.2023 is Annexure R-1. However, it could not materialize. There is detailed inquiry report of Deputy Superintendent of Police, City-I, Patiala (Annexure R-2). Petitioner was also given notice to join investigation. Translated copy of said notice is Annexure R-3. It all indicates that present petitioner avoided the process of law.

6. Considering the specific allegations and its gravity, I do not find a fit case for grant of anticipatory bail and the same is accordingly declined.

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

12.11.2024

Sunil Devi

(AMARJOT BHATTI)
JUDGE

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