



CRM-M-49700-2024

-1-

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

251 CRM-M-49700-2024
Date of decision: 8th November, 2024

Vicky Sharma ...Petitioner
Versus
State of Haryana and another ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. G.S. Madaan, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.
Ms. Bhawna Thakur, Mr. Yuwan Singla and
Mr. Rakesh Jangra, Advocates for respondent No.2.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
512	17.09.2024	City Tohana, District Fatehabad	120-B, 370(3), 406, 420 and 506 of IPC, 1860

2. As per the prosecution case, the aforementioned FIR was registered on the basis of a written complaint filed by the complainant Jaipal alleging therein that the accused Anil who had met him in April, 2024, had induced the complainant to send his brother Shishpal and cousin Gurmeet Singh to Russia and to secure employment for them in that country and in lieu thereof, he had raised demand of a sum of Rs. 12,00,000/- for each of



them. The accused Anil then procured tourist visas for Shishpal and Gurmeet Singh for Russia and sent them there on 04.06.2024. On the same day, an amount of Rs. 6,00,000/- was given to one Sanjay on asking of accused Anil. The family of the complainant received a call from an unknown mobile phone number informing that his brother Shishpal and cousin Gurmeet Singh were being physically assaulted and by extending threats to them, they had been brought to Belarus country. Feeling disturbed, the complainant had conversation with accused Anil, who introduced him with two agents namely Vicky Sharma-present petitioner and one Gurmeet, both of whom assured the complainant for safe arrival of Shishpal and Gurmeet Singh to Russia from Belarus and to secure employment for them. As per their asking, an amount of Rs. 12,00,000/- had been given by the family of the complainant to the above named Gurmeet and Sanjay, cousin of accused Anil. When the complainant again asked the petitioner about the matter, he raised a demand of another sum of Rs. 6,30,000/- which had been deposited in the bank account of the petitioner. Then on the demand of the petitioner and co-accused another sum of Rs. 4,00,000/- had been transferred in certain bank accounts at Belarus as the particulars which were given by the petitioner. Another sum of Rs. 5,00,000/- was also given to some unknown person by the complainant but neither his brother and cousin were sent back nor the complainant had been any contact with them. By alleging that the petitioner and co-accused had cheated and defrauded them and had also committed offence of illegal human trafficking, the complainant prayed for taking action in the matter. After registration of FIR, investigation



proceedings have been initiated. Apprehending his arrest, the petitioner moved an application for pre-arrest bail which was dismissed by the Court of learned Additional Sessions Judge, Fatehabad vide order dated 25.09.2024.

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. No case for committing any offence of cheating or embezzlement has been made out against him since, he had no role in sending the brother and cousin of the complainant abroad, as per the allegation in the complaint itself. Rather these allegations were as against the co-accused Anil. It is further argued that infact the complainant himself had approached the petitioner, when his brother and cousin got stuck in Belarus and had requested to help the victims. The petitioner had even tried his level best to arrange return of the victims through embassy and an amount of Rs. 6,30,000/- was for the expenses which were to be incurred for return of the victims. The petitioner had neither defrauded the complainant nor the allegations of committing human trafficking on the pretext of getting job has been made out against him. He is ready to return the amount of Rs. 6,30,000/- as given by the complainant-party. His custodial interrogation is not required. No recovery is to be effected from him. Therefore, it is urged that the petition deserves to be allowed.

4. *Per contra*, learned State counsel has argued in terms of the status report that there are serious and specific allegations against the petitioner, who in connivance with the co-accused had duped the

**CRM-M-49700-2024****-4-**

complainant for substantial amount of money and caused wrongful loss to him on the pretext of ensuring the settlement of the brother and cousin of the complainant in Russia and their safe abode therein and also on the pretext of providing job to them. No extra ordinary or sparing circumstance has even otherwise been made out for the purpose of extending benefit of bail to the petitioner. Therefore, 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. As per the allegations, the petitioner in conspiracy with the co-accused had induced the complainant to part with a huge amount of money by giving allurements that his brother and cousin would be sent abroad and settled there. After the family members of the complainant had been sent to Belarus, the petitioner is alleged to have conversation with them and is further alleged to have connived with the co-accused for extracting more money on the pretext of making arrangements for their stay and their other expenditure. He is alleged to have received a sum of Rs. 6,30,000/- from the complainant and his family members and criminally misappropriated the same. The allegations against him are serious in nature. For conducting thorough investigation in the matter, the custodial interrogation of the petitioner is must. It is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but for several other purposes also. The powers of anticipatory bail are extra



ordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discretion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, 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

8th November, 2024

Parveen Sharma	1. Whether speaking/ reasoned	:	Yes / No
	2. Whether reportable	:	Yes / No