IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Reserved on : March 21, 2024
Date of Decision : April 02, 2024

CRM-M-54502-2023

Punit @ Puneet Kumar **…Petitioner**

Versus

State of Haryana …Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Argued By : - Mr. Raghav Sharma, Advocate for the petitioner.
Mr. Parveen Kumar Aggarwal, DAG, Haryana.
Mr. Omkar Chauhan, Advocate for the complainant.

DEEPAK GUPTA, J.

By way of present petition filed under Section 438 Cr.P.C., petitioner prays for grant of pre-arrest bail in a case arising out of FIR No.664 dated 22.09.2023, under Sections 120-B, 406, 420, 468 and 471 of IPC, and Section 10, 24 of the Immigration Act, registered at Police Station Sadar Thanesar, District Kurukshetra.

2. FIR was lodged on the complaint of one Ashwani Kumar working in the Police Control Room, Kurukshetra. His daughter, studying in London is living there for the last one year. Complainant and his wife wanted to go to London on visitor's VISA. On 13.05.2023, complainant met the petitioner, his brother Rahul and his other family members. Petitioner assured to arrange the VISA for the complainant and his wife and demanded ₹7 lacs and certain documents. As per complainant, he paid ₹5 lacs besides handing over various documents like bank statement

(HDFC), pay slip, ITR, Experience Certificate, Identity Card and passports. At that time, complainant did not have the No Objection Certificate (NOC) of the Department and told the petitioner that he will apply for the same. Complainant gave clear instructions to the petitioner that entire work is to be done in a legal manner. It is alleged that on 25.05.2023, petitioner called the complainant to his house, got deduced Embassy fees regarding complainant as well as his wife from his credit card. On 05.06.2023, a person of the petitioner met the complainant outside the Embassy and handed over the file. Complainant and his wife entered the Embassy with that file and followed the process. However, message was later on received from the Embassy that visitor's VISA to both of them had been refused and they had been banned for 10 years because of using the fake documents. Complainant prayed for taking necessary action against the petitioner, who had cheated him of ₹5 lacs on the pretext of sending him aboard and who had prepared fake documents.

3.1 It is contended by learned counsel for the petitioner that petitioner is running a registered Firm in the name of M/s. Visa Consultancy Service for the last 13 years, maintaining a good reputation. According to the petitioner, he and his wife had been roped in by their Ex. Employee. Complainant being a police official had approached the petitioner assuring him that he will not let the FIR get registered. Complainant demanded ₹2.5 lacs in the name of the DSP to get the FIR cancelled. However, FIR was registered against the petitioner and he got bail from this Court. Complainant had even sent a copy of the FIR to him through WhatsApp (Annexure P-2). It is contended further that complainant asked him to get the visitor's VISA for U.K. Petitioner asked the complainant to get a file prepared from his employee Rahul, as at that time, petitioner was not available in Kurukshetra. All the documents were mailed from the E-mail of the complainant and Embassy fee was deducted from his credit card. Not even a single penny was charged by the petitioner.

3.2 It is further contended that VISA denial is on the ground of false HDFC bank statement and that no other document was found to be fake. The VISA file was applied on self-submission. After refusal of the VISA, complainant started illegally pressing upon the petitioner to get his U.S. VISA. Petitioner agreed for the same, but appointment dates were not available. Feeling annoyed, complainant started misbehaving with him and threatened him with dire consequences. At this, petitioner asked the complainant to refund the money, which he had taken, to get the earlier FIR cancelled and in order to save his skin, complainant got the present FIR registered by taking benefit of his official position.

3.3 Learned counsel contends further that the petitioner is ready to join the investigation and that in all these circumstances, he be allowed anticipatory bail.

4. Strongly opposing the bail petition, learned State counsel has drawn attention towards the reply filed on behalf of respondent-State by way of affidavit of Shri Pardeep Kumar, DSP, as per which investigation was duly conducted and it was found that petitioner had procured fake

'No Objection Certificate' of the Police Department; procured fake account statement of Dimple (complainant’s wife) of the Axis Bank, Kurukshetra; tampered with the bank statement of complainant Ashwani and Dimple. Copy of these fake documents are Annexures R-1 to R-3. Learned State counsel has also drawn attention towards the genuine 'NOC' (Annexure R-4), which had been issued by the Superintendent of Police, Kurukshetra. It is further submitted petitioner is running an illegal racket and is involved in other cases of the similar nature and that his custodial interrogation will be necessary to the effect of the recovery ₹5 lacs and also to arrest the remaining accused involved in the racket. With all these submissions, learned State counsel has prayed for dismissal of the petition.

5.1 Learned counsel for the complainant has also opposed the petition. In a separate reply filed on his behalf, it is pointed out that no such allegation of demanding any bribe for getting an FIR cancelled against the petitioner, was ever made in the bail petition moved before the trial Court and that said allegations have been made for the first time in the present petition before this Court.

5.2 Learned counsel points out that to substantiate the allegations, petitioner has relied upon a WhatsApp message depicting photograph of an FIR, but in fact as the complainant was in touch with the petitioner for the VISA consultancy, petitioner had contacted him on 22.05.2023 to enquire about the aforementioned FIR and on checking the official website, complainant discovered that FIR had already been registered one day before and so, he sent a copy thereof to the complainant.

5.3 Learned counsel contends that all valid documents were handed over by the complainant to the petitioner at his residence in the presence of his employees. Learned counsel further submits that the stand of the petitioner to the effect that one of his employee Rahul accepted the documents and prepared the file, is a false pleading, which is controverted from the audio message, which was forwarded by the wife of the petitioner to the wife of the complainant on 06.07.2023, the transcript whereof would reveal the admission on behalf of the wife of the petitioner to have committed wrong.

5.4 Learned counsel contends further that it is not only the HDFC bank statement, but several other documents, which were forged by the petitioner like fake 'NOC' purportedly executed by I.G., Police, Karnal, besides property documents. Prayer is made for dismissal of the petition.

6. I have considered submissions of both the sides.

7. The investigation conducted so far, as evident from the status report submitted by the police would reveal that it is the petitioner, who prepared the fake documents and uploaded the same for applying visitor's VISA for the complainant and his wife. A perusal of the status report would further reveal that petitioner is involved in 04 other cases, out of which 03 cases pertain to the same nature being FIR No.686 dated 19.12.2020 under Sections 420, 467, 468, 471 IPC, registered at Police

Station Sadar Thanesar, District Kurukshetra; FIR No.125 dated 21.06.2023 under Sections 406, 420 IPC and Sections 10, 24 of Immigration Act, registered at Police Station Jhansa, District Kurukshetra; and FIR No.549 dated 08.08.2023, under Sections 406, 420 IPC and Sections 10, 24 of Immigration Act, registered at Police Station Sadar Thanesar, District Kurukshetra. Though, petitioner is on bail in all these cases, but this in itself cannot be a ground to ignore his antecedents and to allow him the benefit of anticipatory bail, having regard to the role attributed to him. Sustained custodial interrogation of the petitioner may be required, so as to unearth the entire truth and to know the manner of committing crime, particularly preparing of the fake documents.

8. Considering the aforesaid facts and circumstances, but without commenting anything further on the merits of the case, this Court is not inclined to grant the benefit of pre-arrest bail to the petitioner.

Dismissed.

April 02, 2024 **(DEEPAK GUPTA)**
Sarita **JUDGE**

Whether reasoned/speaking: Yes
Whether reportable: No