



CRM-M-57766-2023

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**287 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****CRM-M-57766-2023****Date of decision: 29th July, 2024**

Vishavjeet Singh @ Vishavjeet Singh Gill

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Gaurav Dutta, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG Haryana.

Mr. Wazir Singh Goyat, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

Prayer in this petition has been made by the petitioner for grant of pre-arrest bail in case arising out of FIR No. 663 dated 22.09.2023 registered under Sections 406 and 420 of IPC, 1860 and Sections 10 and 24 of Emigration Act at Police Station Sadar Thanesar, District Kurukshetra.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a written complaint jointly submitted by the complainants Satbir and Sunil making allegations that the accused Balwinder Singh had represented to them that if either of their relatives was willing to go abroad then he could help him in doing so. On being allured by him, the complainants had asked

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the accused Balwinder Singh to send Nitin Kumar nephew of the Sunil Kumar and three more persons namely Sawan, Sachin and Surinder to USA. The accused Balwinder Singh had asked them to pay an amount of Rs. 40,00,000/- each for that purpose. He had also taken passports of the victims. An amount of Rs. 2,00,000/- was given to him by victims Sawan and Nitin Kumar on 20.07.2022. On 25.07.2022, the accused Balwinder Singh called the complainants on phone by telling them he would be sending his son Vishavjeet Singh to their house for receiving payment of money by them. The petitioner had then come to Rest House of Kurukshetra on 28.07.2022 and took an amount of Rs. 9,00,000/- from the complainants and had left while telling them to arrange for the remaining amount. The complainants further alleged that the accused extracted an amount of Rs. 1,17,25,750/- from the victims and them but had sent them to Thailand, Vietnam and then to Dubai only and did not send them to the USA as promised. The victims were stuck at Dubai. By alleging that the victims and complainant were cheated at the hands of accused Balwinder Singh who in connivance with the petitioner and other accused had extracted huge amount of money and transferred the same in the names of the co-accused and also received the same in cash, they prayed for taking action against culprits. Investigation proceedings have been initiated and are under way. The accused Balwinder Singh was arrested on 29.10.2023. Apprehending his arrest, the petitioner moved an application for grant of bail before the Court of learned Additional Sessions Judge, Kurukshetra which was dismissed vide order dated 08.11.2023.



3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is employed in the Northern Railways and is posted in Punjab. The brother of the complainant Satbir is working in the police department. Infact, both the complainants are doing the business of sending people abroad and they are the persons who had taken huge amount of money from the families of the victims and have implicated the petitioner and co-accused falsely in this case to save their own skin. Inquiry was previously conducted in the matter and no cognizable offence was made out. However, subsequently this FIR was registered. The petitioner has never received any amount of money from the victims or the complainants. A false story in this regard has been concocted. He is ready to join the investigation. His custodial interrogation is not required. No useful purpose would be served by detaining him in custody. Therefore, it is argued that he deserves to be extended benefit of pre-arrest bail.

4. Status report has been filed by the respondent-State, as per which, the petitioner who is son of the main accused Balwinder Singh who was the master mind of the game, had received an amount of Rs. 1,00,000/- on 09.05.2022 deposited by witness Sunil Kumar and on 25.07.2022, an amount of Rs. 5,00,000/- was transferred in his bank account from the bank account of his mother but actually said amount was deposited by one of the victims Niketan in the bank account of mother of the petitioner. All the accused were hand in gloves with each other and by hatching conspiracy deprived the victims huge amount of money. It is further argued that as per the allegations, he also received an amount of Rs. 9,00,000/- in cash from



the complainants at Rest House, Kurukshetra on 25.07.2022. It is argued that allegations against the petitioner are serious in nature. Custodial interrogation of the petitioner is required for conducting thorough investigation. Therefore, it is argued that the petition does not deserve to be allowed.

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

6. As per the allegations, the co-accused Balwinder Singh who was the mastermind of the crime, had induced the complainants by representing that he could manage to send their acquaintances/relatives abroad on spending an amount of Rs. 40,00,000/- each. On being allured by him, the complainants had told him to send the nephew of the complainant-Sunil Kumar and three of their acquaintances abroad. The accused Balwinder in connivance with the co-accused managed to grab an amount of Rs. 1,17,25,750/- from the complainant/ their acquaintances/ relatives. Three of them were initially sent to Thailand and Vietnam but the accused called them back on some pretext and extracted money in the name of sending them to the USA via Dubai. He also got transferred an amount of Rs. 9,97,000/- in the bank account of Dhaliwal enterprises, Moga owned by the accused Sukhwant Kaur, by showing that for the said amount of money, tickets were to be purchased. For the purpose of eliciting the truth and conducting proper investigation, the custodial interrogation of the petitioner is required. 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 several other purposes. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discussion 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

29th July, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |