

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-62663-2023
Date of Decision : July 30, 2024

AADESH SRIVASTAVA

.....Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Narender Jaajla, Advocate
for the petitioner.

Mr. Bhupinder Singh, D.A.G., Haryana.

KULDEEP TIWARI, J. (Oral)

1. On 15.2.2023, the following order was passed by a co-ordinate Bench of this Court:-

“Instant petition has been filed under Section 438, Cr.P.C., for grant of anticipatory bail in:-

<i>FIR No.</i>	<i>Dated</i>	<i>Police Station</i>	<i>Section(s)</i>
183	02.09.2023	Babain, District Kurukshetra.	406 and 420, IPC.

Counsel for the petitioner submits that petitioner is an Immigration Agent and the complainant has paid an amount of Rs.1,35,000/-, to him for getting study VISA. By referring to Annexures P-5 to P-9, appended with the petition, he submits that petitioner had arranged the air tickets, accommodation, study VISA, requisite



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documents from the Odlar Yurdu University, but complainant was not permitted to board the flight from India by the Immigration Authority. He submits that there is no element of cheating or fraud by the petitioner, who has clean antecedents, and is prepared to co-operate with the investigation.

Notice of motion.

On asking of the Court, Mr. Munish Sharma, DAG, Haryana, accepts notice on behalf of the respondent-State.

List on 11.03.2023.

Petitioner is directed to appear before the Investigating Officer on 28.12.2023 at 10.00 A.M. at Police Station Babain, District Kurukshetra, and join the investigation and appear as and when called by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

2. Thereupon, though the petitioner has joined the investigation but an objection was raised by the State that the petitioner is not co-operating with the investigation as he did not get recovered the passport of the complainant.

3. The petitioner was given numerous opportunities and he did join the investigation.

4. Learned counsel for the petitioner submits that infact the petitioner is not in possession of the passport belonging to the complainant,

rather the passport is with the complainant, as after the registration of the



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FIR, the complainant tried to board the flights two times, after completing the immigration process, however, he was refused by the authorities to board the flight, therefore, this fact itself reflects that the passport is in possession of the complainant.

5. Today, the learned State counsel on instructions imparted to him by ASI Lachman, submits that the petitioner has already joined the investigation and his custodial interrogation is not required.

6. In view of the specific stand taken by the learned State counsel, the present petition is **allowed** and order dated 15.12.2023 is, hereby, made absolute subject to the condition that the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

July 30, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No