

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

101

CRM-M-58611-2024
Date of decision: 27th November, 2024

Ravish

Versus

State of Haryana

...Petitioner

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Hardik Ahluwalia, Advocate for the petitioner.
Mr. Arjun Lakhanpal, Addl. A.G., Haryana.

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
15	29.01.2024	Badhra, District Charkhi Dadri, Haryana	406 and 420 of IPC, 1860

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered against the petitioner on a complaint lodged by victims Vikash, Sonu and Parveen alleging therein that the petitioner and his wife Pooja i.e. the co-accused who were acquainted with them, had represented to the complainants that they were engaged in the business of sending people abroad and used to charge

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amount of Rs. 12,00,000/- approximately to arrange work VISA permit for employment of interested persons in foreign countries. On being induced by them, the complainant Vikash gave a sum of Rs. 10,00,000/-, victim Sonu gave an amount of Rs. 10,00,000/- and victim Parveen parted with a sum of Rs. 12,00,000/- to the petitioner and co-accused in the year 2022, for the purpose of getting them employed abroad. They alleged that they were sent to Singapore by the petitioner and co-accused and were introduced with some persons, who were involved in criminal activities. Those persons told the complainants to indulge them in illegal acts and also snatched their passports. The victims were harassed by those persons as they refused to abide by them. It was with great difficulty that they came back to India. On reaching back, they asked the petitioner and co-accused to give back their money but instead of doing so, the petitioner and co-accused extended threats to kill them. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner had moved an application for grant of pre-arrest bail before the Court of learned Sessions Judge, Charkhi Dadri which was dismissed vide order dated 07.11.2024.

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. He is an agriculturist. There is delay of one year in lodging of the FIR, which has not been explained. He only received an amount of Rs. 2,75,000/- in his bank account from the complainants and the remaining amount of money was received by co-accused Pooja who has since been



extended benefit of bail. The recovery of remaining amount is to be effected from the co-accused who is estranged wife of the petitioner and is master mind of the entire crime as it was she, who had led the petitioner to believe that her bank account had become inactive and had convinced him to receive payments to which he had agreed without knowing that Pooja was involved in illegal activities. It is further submitted that he has been falsely implicated by his wife and her sister in two criminal cases, in order to shift the liability upon him and is made a scapegoat. His custodial interrogation is not required. He is ready to join the investigation. Therefore, it is urged that he deserves to be extended benefit of pre-arrest bail.

4. Learned State counsel has advance notice of the petition and has submitted that the allegations against the petitioner are serious in nature as he along with the co-accused had induced the victims to part with huge amounts of money on the pretext of sending them abroad and arranging work permit/VISA for them but failed to provide any such work permit. His custodial interrogation is required for conducting thorough investigation in the matter. 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 urged 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. The petitioner along with his wife is alleged to have induced the victims Vikash, Sonu and Parveen to part with amounts of Rs. 10,00,000/-

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and Rs. 12,00,000/- respectively on the pretext of sending them to Singapore for job but after sending them there, no work permit/was provided to them and in this manner, the petitioner and his wife are alleged to have duped the victims. The petitioner has placed on record copies of FIRs which have been lodged against him by his wife i.e. co-accused Pooja and his sister-in-law respectively.

7. A perusal of FIR No. 217 dated 21.10.2024 registered at Police Station Women Jaipur City (South), District Jaipur City (South) reveals that his wife i.e. co-accused Pooja had lodged the same under Sections 498-A and 406 of IPC which have pari-materia with Sections 85, 316(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') as against the present petitioner on the allegations that he had induced her family members and herself on the pretext of sending her to Canada and to provide a job there. She is also shown to have alleged that he had performed marriage with her on 12.01.2023 and by taking advantage of her trust, he used her bank account for the purpose of depositing money by several persons from different villages and cities on the pretext of sending them to Singapore, Canada and other foreign countries and by assuring that he would get them employed there. Apart from these allegations, she has alleged that he had misused her bank account and had also subjected her to cruelty on account of demand of dowry and money. The truthfulness of the allegations as levelled by the co-accused has to be tested during the trial of the case bearing FIR No. 217 before the Court of Competent Jurisdiction. Suffice at this stage to say that she had levelled allegations that by taking advantage of



his position of being her husband, the petitioner had misused her bank accounts and had got money belonging to different persons transferred in her account and then used the same.

8. The allegations against the petitioner are serious in nature. An amount of Rs. 2,75,000/- was deposited by one of the victims in his bank account. For eliciting the truth about the manner in which the transaction of huge amounts of money has taken place and for conducting thorough and proper investigation of the matter by the police, custodial interrogation of the petitioner is must. It is well settled proposition of law that while deciding an application for grant of anticipatory bail, the nature and gravity of the accusation, the part played by the accused, the possibility of his fleeing from justice or likelihood to repeat similar offence or other offences as well as the apprehension of the accused tampering with the evidence or extending threat to the complainant must be considered. It is well settled that custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. Many useful information can be disinterred during custodial interrogation. Moreso, no exceptional or extra ordinary circumstance warranting exercise of powers for grant of pre-arrest bail is made out in this case. Keeping in view the nature of the subject offences and the role attributed to the petitioner and for the purpose of eliciting the truth, I am of the considered opinion that the custodial interrogation of the petitioner is certainly required. As such, no ground has been made out for extending benefit of bail. Accordingly, the petition stands dismissed.



9. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
10. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

27th November, 2024
Parveen Sharma

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