

2024:PHHC:159778



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60196-2024
DECIDED ON: 02.12.2024

ROMI SHARMAPETITIONER

VERSUS

STATE OF HARYANARESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Munish Dev Sharma, Advocate for the petitioner.
Mr. Baljinder Singh Virk, Sr. DAG Haryana
Mr. C.S. Rana, Advocate for the complainant.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.0591, dated 03.08.2024, under Sections 24 of Immigration Act and Sections 120-B, 406 and 420 of IPC, 1860, registered at Police Station Karnal City.

2. Brief facts of the case as per the version of the FIR reads as under:-

“Brief facts of the case are that on 03.07.2024, a letter written by Rajbir son of Bir ingh, resident of village Dholgarh, District Karnal was received from the office of SP, Karnal to police station City wherein it was requested to register an FIR against Sanjeev Sharma, Romi Sharma and Balwinder @ Ballu for duping ? 52 lacs on the pretext of sending complainant abroad on the allegations that complainant used to run milk dairy. On 25.6.2021, Balwinder @ Ballu who used to send people abroad met him. Complainant asked him to send abroad his son Rajender and one of his relatives namely Rajat Kumar, resident of Chand Samand. Brother-in laws of said Balwinder @ Ballu used to meet at milk dairy of his

brother namely Deshraj, who used to run milk dairy under the name and style of Ganesh Dairy at New Char Chaman, Karnal. For sending abroad, matter settled for a sum of ₹ 25-26 lacs. On 26.6.2021, complainant met aforesaid accused persons at their office who disclosed that he sent a number of children to Canada and he will send his children to Canada on four months work VISA and demanded ₹ 20 lacs in advance. He trusted him that he will be responsible for all paper work etc. On this, on 28.6.2021, his nephew Vinod received a call from accused persons that they made all arrangements for sending his younger brother Rajat Kumar and Rajinder to Canada and he has received offer letters also. He demanded ₹ 4,44,000/- from him. On this, they issued two cheques of ₹ 2,22,000/- each of Punjab National Bank and Canara Bank to Sanjeev Sharma and both the cheques amount were got encashed by him into bank account of his firm. Thereafter Sanjeev Sharma informed that he applied for police verification of Rajat Kumar and Rajinder. Thereafter, on 4.8.2021, verification was got conducted from passport office, Ambala and their documents were got deposited there. Then on 21.8.2021, accused Sanjeev Kumar got transferred ₹ 7,42,000/- in bank account of his firm and promised that work VISA would be arranged shortly. Thereafter, on 15.11.2021, ₹ 30,000/- were transferred into the bank account of Tejaswai and ₹ 30,000/- were given cash to the office workers namely Geeta and Anjali. Thereafter, on 26.1.2022, Sanjeev Sharma demanded ₹ 3 lacs on the pretext of getting medically examined Rajat and Rajinder at a company situated at Canada and said sum was paid in cash by his nephew Vinod to the office workers of Sanjeev Sharma namely Anjali and Geeta. Thereafter, both Rajat and Rajinder were got medically examined at MAX hospital, Delhi and an amount of ₹ 30,000/- was spent thereon. Thereafter, number of times payment was demanded by the accused persons and same was given to them by the complainant. Thereafter, Rajat and Rajinder were sent to different places i.e Dubai, Indonesia, Sri Lanka & Thailand from where both of them were returned to Karnal rather than reaching Canada. In this way, it has been alleged that the accused persons committed fraud upon the complainant and his family and prayer has been made to take legal action against the culprits.”

3. Contention

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner is son of accused Sanjeev Sharma, who lives with his divorced mother namely

Neha Sharma. As per the version of the FIR, the complainant claims that they handed over 75 lakhs to the petitioner in the office of co-accused Sanjeev Sharma (father of petitioner), but the petitioner has no concern with the office of co-accused Sanjeev Sharma and his firm account. He undertakes before this Court that the petitioner is ready and willing to join the investigation.

Notice of motion.

On behalf of the State/complainant

Mr. Baljinder Singh Virk, Sr. DAG Haryana, on the asking of Court, accepts notice and prays for dismissal of the present petition on the ground that the amount involved in the present case is huge, therefore, petitioner does not deserve the concession of anticipatory bail.

4. **Analysis**

Be that as it may, having given a considerable thought to the fact that the petitioner is not a beneficiary to the amount involved in the present petition and no incriminating material is available with the prosecution to connect him with the commissioning of offence, this Court finds no reason to deny the petitioner the concession of anticipatory bail wherein the petitioner has bona fide intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Decision**

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by

the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’*

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

02.12.2024
Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>