2024:PHHC:171225

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.216 **CRM-M-60459-2024 (O&M)**
Date of decision : 19.12.2024

Sumit @ Sumit Kumar ..... Petitioner

VERSUS

State of Haryana ..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. P.S. Jammu, Advocate for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

Mr. Madan Sandhu, Advocate for
Mr. N.K. Malhotra, Advocate for the complainant.

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KIRTI SINGH, J. (Oral)

1. Apprehending arrest the petitioner has filed this petition under Section 482 of BNSS, 2023 for grant of anticipatory bail in case FIR No.60 dated 07.05.2024, under Sections 406 & 420 IPC and Sections 10 & 24 of Emigration Act, registered at Police Station Alewa, District Jind.

2. The relevant translated version of the FIR is reproduced below:-

> *"Sir, letter received from the office of the Superintendent of Police, Bearing letter number 6962-P dated 07.12.2023 content of which are such To Superintendent of Police, Jind, Subject: Application for taking appropriate legal action for committing fraud on the pretext of sending people abroad, against Rajesh Ahlawat, Mob. 99969-00129, Rakesh Ahlawat, Mob. 89303-34407, Kavita wife of Rajesh Ahlawat, Mob. 83079-70181, Sumit son of Rajesh Ahlawat, Mob. 99966-99395, Resident of Tehsil Julana, District Jind, Sir, it is requested that I, Sadanand alias Lalu, son of Shri Satish Kumar, resident of Chahal Patti, village Alewa, District Jind,*

am a permanent resident of the above mentioned address. It stated that my uncle is a follower of Sant Gurmit Ram Rahim, and I also go to satsang with him many times and similarly on 11 November 2022, I had gone to Julana Satsang Bhawan with my uncle and the above mentioned person Rajesh Ahlawat was there. We had met many times before this through satsang and gradually we started talking to each other, told each other about our business and then Rajesh Ahlawat said that I work in sending children abroad. If any of your close relatives or relatives are interested in going abroad, then tell me. I can send your children abroad in a legal way and at low cost. It is stated that after this we had contacted through phone many times and trusting him I asked for complete information for sending 2 kids (nephew Rohit, uncle's son Satish) abroad/to America, then Rajesh Ahlawat told me that my whole family is involved in the said work since a long time, there is no need to worry, all the members of my family are there, no other person from outside does the said work with us, my wife Kavita makes the air tickets, I and my brother Rakesh look after the transaction of money etc. and for sending the kids abroad my son Sumit works with us to drop the kids at the airport and take them abroad. It is stated that Sir, after the said incident we thought that this person is trustworthy who has engaged his whole family in the said work and the person is doing the work legally. He can send our 2 children abroad as well, on which we talked through the phone that I will meet at home and village Alewa and will discuss the expenses etc. and thus in August 2023 Rajesh Ahlawat came to our farm village Alewa and told the rate of Rs 60,00,000 for sending both the children abroad and thus took Rs 15,00,000 in cash in two installments and Sumit and Rakesh took Rs 8,00,000 eight lakh rupees in cash twice and after a few days Rajesh called stating that your work is done, arrange for the rest of the money and transfer the money in the account of my wife and Praveen for the ticket and thus Rs 2,30,000 two *lakh thirty thousand rupees were put in the account of Kavita wife of Rajesh through Google Pay and 1,00,000 one lakh rupees were put in the account of Praveen Jat through Google Pay for making the tickets. And it was also decided on the spot that if your children do not reach abroad/America or return from the way, then you will not have to bear any expenses and the remaining amount is also to be paid after the children reach, Sir, in this way, about 26,30,000 rupees of ours went to Rajesh and we were also provided tickets to go abroad, but the children had to return from Dubai and Almathi midway and Rajesh was unable to send our children abroad/America. Now Rajesh is neither returning our money nor sending our children abroad. Sir, when the said person is neither picking up our phone nor is he available at home, which we have done many rounds of his house. Therefore, we request you to investigate the entire above case and take appropriate legal action against the above culprits and get our money back and protect our life and property. With thanks. Note- Mobile recording, screen shot of ticket and other evidence/proof are attached with the said application. SD - Sadanand Applicant. Sadanand son of Shri Satish Kumar, village Alewa, District Jind, Mobile No. 81688-79153"*

3. Learned counsel for the petitioner *inter alia* submits that allegedly, the petitioner along with other co-accused persons defrauded the complainant for a sum of Rs.26,30,000/- by promising to send the complainant's children abroad. It is further contended that the petitioner has been falsely implicated solely due to being the son of the co-accused Rajesh in this case.

4. Vide order dated 03.12.2024 passed by this Court, the parties were directed to appear before the Mediation & Conciliation Centre of this Court for working out a possible amicable settlement.

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5. Report dated 13.12.2024 has been received from the Mediation & Conciliation Centre of this Court and the case has been sent back to this Court being unsettled case.

6. Learned State counsel, on the basis of status report, submits that in compliance of order dated 03.12.2024 passed by this Court, petitioner joined the investigation on 05.12.2024 and was formally arrested in the case. During investigation, he suffered disclosure statement admitting his involvement in the commission of crime along with co-accused and got recovered Rs.15,000/- out of Rs.1,00,000/- defrauded by him along with co-accused from complainant. After investigation, petitioner was released on interim bail, in compliance of order dated 03.12.2024 passed by this Court. He contends that during investigation, it was found that the present petitioner, in collusion with co-accused, on the pretext of sending nephew/bhanja of complainant Rohit and one Satish to America, fraudulently sent them to Baku from where they had to return as they could not travel further and thus, duped them for a sum of Rs.26,30,000/-. When the complainant asked for repayment of money, then the petitioner refused to refund the same. During investigation the bank account statement of petitioner was analyzed which revealed that the petitioner has received a sum of Rs.3.3 lacs in his bank account. The petitioner has deliberately and fraudulently extorted money from the complainant in the name of sending them abroad. In view of serious allegations, the petitioner does not deserve for the concession of anticipatory bail.

7. Heard the rival submissions made by learned counsel for the parties.

8. A perusal of the record reveals that the there are serious allegations against the petitioner, that he is the direct participant in the crime and there are bank account transactions which shows that the petitioner received funds in his account. To unearth the true dimensions of the alleged crime, the police requires custodial interrogation of the petitioner in this case.

9. In view of the aforementioned facts & circumstances of this case as well as submissions made by the learned State counsel, this Court does not deem it appropriate to interfere in the matter so as to grant the concession of anticipatory bail to the petitioner at this stage.

10. In view of above, the interim bail granted to the petitioner vide order dated 03.12.2024 stands revoked.

11. Accordingly, the petition is dismissed.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

19.12.2024
Ramandeep Singh

Whether speaking / reasoned Yes/No
Whether Reportable Yes/No