

2025 PHHC 002181



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56-2025
DECIDED ON: 10.01.2025

DEVASHISHPETITIONER

VERSUS

STATE OF HARYANA AND ANRRESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ajay Chauhan, Advocate for
Mr. D.S. Adlakha, Advocate
for the petitioner.

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.186, dated 26.11.2024, under Sections 406 and 420 of IPC, 1860, registered at Police Station Shahzadpur, District Ambala.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Sir, complaint number 4036-PW dated 31.08.2024 given by Praveen Kaur wife of Shri Dharampal resident village Nasdauli, block Shahzadpur, district Ambala is received through post from the office of Superintendent of Police Ambala. The gist of which is as follows - To, Sir Superintendent of Police, Ambala. Subject: Complaint against agent Dev Ashish Kumar mobile number-9056195655, 946613303, 7206553092, CAREER, MAKERS (WE MAKE FUTURE IELTSPTE/SPOKEN, ENGLISH/STUDY-VISITOR-Devashish Kumar, Shahzadpur, regarding committing fraud by giving fake Visa and for usurping money. Sir, it is submitted that I, the applicant, Praveen Kaur wife of Shri

Dharampal, am a resident of village Nasdauli block Shahzadpur, District Ambala and I submits as follows: That in month of June 2023, someone told to my son Yograj that CAREER, MAKERS (WE MAKE FUTURE IELTS PTE/SPOKEN, ENGLISH/ STUDY-VISITOR- Devashish Kumar teaches English spoken very well and also get arrange job by sending abroad. On this, my son and my husband met Dev Ashish Kumar at his office in Shahzadpur and talked him that I have full guarantee that I will send you abroad and will also get you a job; on which Sh. Dev Ashish Kumar told my son and my husband to first deposit Rs. 10,00,000/-and your passports and give the remaining amount after getting the visa when you start working by going abroad. That my husband transferred Rs. 1,00,000/- through cheque number-621694 dated 14.12.2023 of Sarv Haryana Gramin Bank, Branch Patvi; Rs. 1,00,000/- through cheque number-621695 dated 14.12.2023 of Sarv Haryana Gramin Bank, Branch Patvi; and Rs. 50,000/- on 14.12.2023 from Sarv Haryana Gramin Bank, Branch Patvi, to his account; and gave him Rs. 5,00,000/- by taking the same on interest; and agreed to give the remaining amount on getting the visa. My husband gave a total amount of Rs. 7,50,000/- to Dev Ashish Kumar; and the passport of my son Yograj is also with him. That Dev Ashish Kumar has given Australian Government Department of Home Affairs application ID 571324256 dated 23.11.2023 in the name of my husband Shri Dharmapal; and gave visa of Government of Canada dated 05.05.2024 UCI -11-1684-0183, application No. V-344039559 in the name of my son Yograj. That on getting checked online, it was found that both these visas are fake; and Dev Ashish Kumar has cheated us. That near about on 20- 22.05.2024, when we talked to Dev Ashish Kumar about the fake visa, then he said that I will return your money with interest within two weeks i.e. prior to 15.06.2024; but till date Dev Ashish Kumar has not returned any of our money; and for the last two months, he has also stopped picking up our phone; and he does not even meet us in his office. That a huge fraud has been deliberately committed with my family by Dev Ashish Kumar. The cheques given by the applicant to Dev Ashish Kumar, photocopies of bank receipts and copies of fake visas given by Dev Ashish Kumar are attached herewith. Therefore, I request you to take strict legal action against Dev Ashish Kumar for committing fraud and please get return the passport of my son Yograj and my money which I had given to him by taking the same on interest. I would be highly grateful to you. SD/- Praveen; Applicant Praveen Kaur Wife of Shri Dharampal resident of village Nasdauli Block Shazadpur, District Ambala. Mobile Number-7206349761.”

3. **Contention**

On behalf of the petitioner

At the outset, learned counsel for the petitioner submits that the matter has been compromised between the parties on the basis of compromise deed dated 02.01.2025 (Annexure P-5), with the intervention of the respectable of the society and the complainant as well as the injured do not want to pursue with the matter any further.

Notice of motion.

On behalf of the State/complainant

Mr. D.S. Virk, Advocate has put in appearance on behalf of the complainant and filed his *vakalatnama*, which is taken on record. He admits the factum of compromise dated 02.01.2025 (Annexure P-5) and also endorsed no objection, in case the present petition is allowed and petitioner is granted the concession of anticipatory bail.

Mr. Jaspal Singh Guru, AAG Punjab, accepts notice on behalf of respondent/State and submits that in the light of compromise entered between the parties, the custodial interrogation is not required at this stage.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions especially to the fact that the admittedly the matter has already been settled and the complainant endorsed no objection in case, the petitioner is admitted on bail, I am of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner.

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

10.01.2025

Meenu

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