



CRM-M-2610-2025

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**207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-2610-2025

Decided on: 04.02.2025

Ankit

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Sourabh Sheoran, Advocate,
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Inderjeet Singh, Advocate, for the complainant.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No. 226 dated 21.11.2024, registered under Sections 406, 420, 120-B IPC and Sections 10 and 24 of Immigration Act, at Police Station Buria, District Yamuna Nagar.

2. Succinctly facts of the case are that FIR in the present case was lodged on the statement of Shaukat Ali. It was alleged that accused Ankit, Narendra and Vinay Chahal had duped him of Rs.15 lacs on the pretext of sending his wife Nisha and son Sahil to Canada. It was alleged that Ankit (petitioner) and son of the complainant Sahli met each other in Armenia in the year 2022 and thereafter, on returning to India, accused Ankit told the complainant and his son that they opened an office in Charkhi Dadri in the name of Hello Visa and they provide service for sending the people to Canada and other countries. The complainant came to be trapped by Ankit and thus, on his assurance paid him a total amount of Rs.15 lacs, however,



on the payment it was found that the visa which was provided, was found to be forged and passport of his wife was also taken by Ankit-petitioner. He asked petitioner to return the money, but neither the money was returned to him nor his wife and son were sent to abroad. Thus, he prayed that legal action be taken against the culprits. On the registration of the FIR, the investigation commenced. Apprehending arrest, the petitioner approached the Court of learned Sessions Judge, Yamuna Nagar, for the grant of anticipatory bail. Learned Court after hearing both the sides, finding no merit in the petition filed by the petitioner, dismissed the same vide order dated 04.01.2025. Hence, aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He submits that the job of the petitioner was to provide visa to the complainant, which was duly provided, however, vide letter dated 04.04.2024 (Annexure P-5), it is evident that after having been provided visa, it was deactivated. He submits that the petitioner duly applied for the visa for Sahil as per rules and regulations, but the same was later on deactivated and thus, no offence of cheating and misappropriation of money can be said to have committed by the petitioner. He submits that no *prima facie* case is made out against the petitioner and thus, he deserves to be granted anticipatory bail.

4. Learned counsel for the complainant has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner alongwith the co-accused duped him with an amount of Rs.15



lacs on the pretext of sending his wife and son abroad. He submits that neither his wife and son sent abroad nor the money returned to him. He, thus, submits that the petitioner does not deserve the concession of anticipatory bail.

5. Learned State counsel has also opposed the submissions made by counsel for the petitioner. He has produced on record the reply by way of affidavit of Rajeev Miglani, HPS, Deputy Superintendent of Police, Yamuna Nagar-V (Jagadhri). He has submitted that the petitioner is main accused, who allured the innocent complainant for giving Rs.15 lacs on the assurance of providing valid visa for his wife Nisha and son Sahil, however, after taking a hefty amount, neither the money was returned nor visa was provided. He submits that during the investigation, details of transaction of money in the account of the petitioner was found on various dates, which amounts to Rs.8,29,660/-. He submits that the investigation is at the initial stage and thus, no case is made out for granting the anticipatory bail to the petitioner, as the same would prejudice the on going investigation.

6. After hearing learned counsel for the petitioner and perusing the record, it is deciphered that the petitioner has been alleged to have allured the complainant for sending his wife and son to Canada on the payment of Rs.15 lacs. The complainant allegedly paid the amount and visa was provided by the petitioner, however, before boarding the flight for Canada, the same was found to be forged. Thus, son of the petitioner was not allowed to board the flight. Passport of the wife of the complainant is also allegedly with the complainant. As per the investigation conducted so far, transaction of an amount of Rs.8,29,660/- in the account of the



petitioner has been done as submitted in the status report.

7. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) of BNSS which reads as under:-

482“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *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.”*

8. Hon'ble Supreme Court in **State represented by CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under [Section 438](#) if the code. In a case like this



effective interrogation of suspected person is of tremendous advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in task of disintering offences would not conduct themselves as offenders.”

9. Hon’ble Apex Court in plethora of judicial precedents including Gurbaksh Singh Sibbia Vs. State of Punjab, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

10. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

11. In view of the facts and circumstances of the present case, this

Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

12. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

04.02.2025

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No