CRM-M-9118-2025

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

CRM-M-9118-2025
Reserved on: 07.05.2025
Pronounced on: 19.05.2025

Jitender ...Petitioner

Versus

State of Haryana and another …Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Pankaj Bali, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
11	18.01.2024	Alewa, District Jind	370, 506 IPC and Section 10, 24 of Immigration Act

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per paragraph 11 of the bail petition as well as para 16 or the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	935	02.06.2011	307, 395, 397, 447, 148, 149, 511, 216 IPC	City Panipat

3. The facts and allegations are taken from the status report dated 07.04.2025, which reads as follows:

> *"That from the perusal of case file transpires that the present case FIR No. 11 dated 18.01.2024 u/s 370,506 IPC and 10, 24 Emigration Act was registered at Police Station Alewa, District Jind, on the complaint of Ishwar son of Sh. Satyawan, resident of Dahola, District Jind with the allegations that his younger brother Mohit wanted to go to Germany to earn his livelihood and he was a good friend of Ankit, nephew of accused No. 1-Jitender. Ankit had told his nephew that his uncle Jitender runs the business of sending the people abroad on work Visa. In the beginning of year 2023, Ankit went to Germany and applicant and his nephew developed faith in accused Jitender. In May 2023, Ankit introduced them*

to accused No.1 and on 03.05.2023, he alongwith his brother Mohit and one relative Shish Pal went to the house of accused Jitender and asked him to send Mohit to Germany on which Jitender told them that he as well as accused No.2-Vikram are partners and they run their business jointly at Chandigarh and help people in procuring work Visas for Germany. Accused Jitender demanded Rs.15 lakhs from him out of which a sum of Rs. 2 lakhs was to be paid in advance and remaining amount was to be paid after Mohit reaches Germany and he assured to arrange work Visa for him. On 25.05.2023, he alongwith Mohit and Shish Pal went to the house of accused No.1 and gave Rs. 2 lakhs to him towards advance alongwith passport of Mohit and other documents. On 16.06.2023, accused Jitender told them that work Visa has been arranged and he demanded Rs. 3 lakhs which were paid to him at his house. Thereafter, accused told them that one flight for Mohit has been booked for going to Germany on 19.06.2023 and they were called to Delhi where Mohit boarded a plane, but he sent his brother to Dubai instead of Germany where he was kept in confinement for about one month and they were informed by Mohit in this regard. When they contacted accused Jitender, he assured that his brother will be sent to Germany and demanded Rs. 5 lakhs which were transferred in his account through RTGS on 21.07.2023 and accused made him speak to his brother on telephone. Mohit told him that he has been taken to one country namely Baku and they have assured to send him to Germany, but his brother did not reach Germany for the next two months as well. Thereafter, accused demanded Rs.1 lakh which was transferred in his account on 15.09.2023. However, his brother was kept in some other country and was not sent to Germany and when they again contacted him, accused Jitender took him to accused No.2 Vikram on 22.09.2023 where they asked him to pay Rs.7 lakhs and in case, he failed to pay the same, they will get his brother killed before he reaches Germany. On 27.09.2023, they paid Rs. 4 lakhs in cash in their office at Chandigarh and Rs. 2 lakhs were transferred in the account of accused No.2 of SAP Trading on 28.09.2023. When they contacted his brother, he told that he has been kept confined in some unknown country. When he again contacted the accused, they again demanded Rs. 1 lakh and thereafter, he deposited a sum of Rs. 1 lakh in the bank account of one Aman Kumar on 07.10.2023. On 26.12.2023, he spoke to his brother who told that the accused are persons of criminal background and they can get him murdered and he apprehends danger to his life and thereafter, his phone got switched off and he has not been able to contact his brother. Now they are not telling him the whereabouts of his brother and he sought action against the accused. (Annexure P-1)."

4. The petitioner's counsel seeks bail on the ground of custody. Counsel further submits that main accused is Vikram Dutt, petitioner is only an introducer and the complainant had asked him to tell about some good immigrant consultant, he did not take any commission and he is not involved in the present case. He further prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel while opposing the bail submits that the person who was trafficked is still missing and there is sufficient evidence against the petitioner and refers to para 10 of the reply which reads as follows:-

> *"That on 21.07.2024, the petitioner-accused Jitender was joined in the investigation of the case and enquiry was made from him. On the basis of sufficient incriminatory evidence the petitioner was arrested in this case. During the course of interrogation he suffered disclosure statement confessing his guilt in toto and 5 disclosed that he and co-accused Vikram Dutt has extorted Rs. 18 Lakh Approx. from the complainant for sending Mohit in abroad Germany on work visa and out which Rs. 6,50,000/ came to his share. A copy of the disclosure statement dated 21.07.2024 of the petitioner is being annexed as Annexure R-1."*

REASONING:

6. An analysis of the above arguments would lead to the following outcome.

7. It would be appropriate to refer to following portion of the reply, which reads as follows:-

> *"11. That on 14.09.2024 after completing the investigation of the case, final investigation report u/s 173(2) Cr.P.C. against the petitioner- accused Jitender was prepared for the offences u/s 370, 506 IPC and 10,24 Emigration Act and thereafter the same was filed in the concerned court on 19.09.2024. In the instant case prosecution has to examine as many as 18 prosecution witnesses. Now the case is fixed on 18.04.2025 for consideration on charge.*
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> *12. That on 25.11.2024, Branch Manager, Punjab National Bank, Jind was joined in the investigation of the case and account statement dated 15.09.2023 of bank account No. 1432000100091508 of the petitioner was produced by him which was taken in police possession through separate recovery memo. The perusal of the account statement transpires that on 15.09.2023, a sum of Rs. 1,00,000/-has been remitted by the complainant in this account through RTGS. A copy of account statement is being annexed as Annexure R-2.*
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> *13. That then thereafter on the same day i.e. on 25.11.2024, Branch Manager, Canera Bank, Jind was joined in the investigation of the case and account statement dated 21.07.2023 of bank account No. 82502010041329 of the petitioner was produced by him which was taken in police possession through separate recovery memo. The perusal of the account statement transpire that on 27.09.2023, Rs. 6,00,000/- had been remitted by the complainant in this account through RTGS from his bank account. A copy of account statement is being annexed as Annexure R-3.*

14. That in this case arrest of co-accused Vikram Dutt is still pending and Criminal Misc. No.M- 21433 of 2024 titled Vikram Dutt Vs State of Haryana and Criminal Misc. No.M-5537 of 2025 titled Vikram Dutt Vs State of Haryana filed by him for seeking concession of anticipatory bail had been dismissed by this Hon'ble Court vide order dated 22.05.2024 and 19.02.2025, respectively.

15. That during the course of investigation of the case call detail records (CDR) of the mobile phones of the accused Vikram Dutt and complainant were procured and analyzed in scientific manner. The perusal of call detail records of mobile No.9812710413 and 9306142006 of complainant and mobile No. 83604-13228 of accused Vikram Dutt reveals that they were actively in contact with each other over mobile and there is about 140 time telephonic conversation among them. Similarly the complainant is also having 391 times telephonic conversation with the petitioner-accused Jitender at his mobile No. 7988457576 and 10 times at mobile No. 9812710413.

X x x x

17. That so far as role of the petitioner-accused, it is submitted that the petitioner-accused and co-accused Vikram Dutt are indulged in extorting money from people by falsely assuring to send them abroad after taking huge sum of money. The present case was registered with specific allegations that the petitioner along-with co-accused Vikram Dutt are jointly running the business of sending people abroad by arranging work Visa. During the investigation, it has been found that a sum of Rs. 9 lakh was paid through bank transactions as alleged in the FIR and remaining amount of Rs. 9,00,000/-was paid in cash and in all, complainant has paid Rs. 18 lakh, on different occasions, for arranging work Visa for Mohit. Out of which approx. 6 Lakh were received by the petitioner-accused in his bank account (Annexure R-2 and R-3). But, the petitioner and co-accused instead of sending him (Mohit) Germany, sent to Dubai and other countries and his whereabouts are not known and the petitioner-accused and co-accused Vikram Dutt are not disclosing about the whereabouts of Mohit. It is further submitted that about 400 times telephonic conversation has been made by the complainant and the petitioner which shows that petitioner-accused was dealing in the business of sending people abroad by arranging work Visa. During the course of investigation of the case, it has also been surfaced that all money transactions were made either with the petitioner-accused Jitender or money was also got deposited in the bank accounts of other persons, who were totally ignorant to the complainant."

8. Perusal of the above said paras clearly points out that petitioner is involved and allegations are correct for taking Rs. 6,50,000/- from the complainant. They were not bothered about somebody's life. Even now the victim is missing. If anyone guess about victim's current position about his trauma whether he is alive or not. Considering the serious nature of allegations, it is not a case of bail.

9. A perusal of the bail petition and the documents attached primafacie points towards the petitioner's involvement and does not make out a case for bail. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

10. The petitioner's custody of around 10 months cannot be termed prolonged, given the minimum sentence prescribed for the offense.

11. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

12. **Petition dismissed**. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

19.05.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.