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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-10143-2025(O&M)
Date of Decision:-06.03.2025

ROHIT

... PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Rahul Bhargava, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Mr. Mukesh Yadav, Advocate for the complainant.

SANJIV BERRY, J (ORAL)

CRM-9641-2025

1. The instant application has been preferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, BNSS,2023 for placing on record Pen drive and Bank Statement as Annexue A-1 & A-2.

2. The application is allowed, subject to all just exceptions. Pen drive and Bank Statement as Annexue A-1 & A-2 are taken on record as Annexure A-1 & A-2.

Main case

1. Learned State counsel has filed status by way of an affidavit dated 04.03.2025, of Deputy Superintendent of Police, Ladwa, Kurukshetra, the same is taken on record, copy thereof, has been supplied to the counsel



opposite.

2. By way of the present petition filed under Section 482 of the Bharitiya Nagarik Suraksha Sanhita 2023 (BNSS), the petitioner is praying for anticipatory bail in the following FIR (Annexure P-1) as under:-

FIR No.	Dated	Sections	Police Station
367	20.07.2024	370, 406, 420 IPC, 10 of Immigration Act (Section 24 of Immigration Act was added later on)	Thanesar Sadar, District Kurukshetra

3. Argument heard.

4. It is, *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been implicated in the instant case. He contends that petitioner being the travel agent had taken amount of ₹2 lakh from the complainant for sending his son to Dubai as tickets and ancillary charges. However, the petitioner had never assured or allured the complainant to send his son on private work permit as alleged in the FIR, as such he prays for grant of concession of anticipatory bail to the petitioner.

5. *Per contra*, learned State counsel assisted by learned counsel for the complainant, referring to the reply submitted by the State have strongly assailed these arguments by submitting that the petitioner had taken more than ₹10 lakhs from the complainant on the pretext of sending his son abroad and for providing him work permit. They submit that initially he was sent to Dubai and later to different countries and during this period another sum of ₹10,000/- and ₹15, 000/- were deposited in the account of the petitioner in the Month of February and March 2024 on his demand. They contend that the whereabouts of the son of the complainant are not known

and the petitioner has defrauded the complainant, as such custodial interrogation of the petitioner is required, hence prayed for dismissal of the bail petition.

6. After considering the arguments and perusing the record, it is observed that the instant FIR was registered on the complaint moved by Gulab Chand alleging that his son was sent to Dubai and he applied for immigration through the petitioner on the assurance that he will be provided the work permit there. As per the complainant, his son remained in Dubai till 02.11.2023 and on 13.04.2024 he informed his wife on mobile phone that he had gone to Qatar and Jakarta via Bali (Indonesia) and stayed there for one month and then gone to Malaysia, Bangkok and Russia and reached Belarus on 16.02.2024. He informed that he alongwith 28 other persons was taken by one travel agent Gaurav by road in search of work where he has been caught by the army. Thereafter there is no contact of the son of the complainant with the family. It is alleged that the petitioner has duped the complainant.

7. During course of arguments, it was submitted by learned counsel for the petitioner that the petitioner being travel agent has received only ₹2 lakhs for the purpose of providing tickets and ancillary facilities in Dubai and had not allured for providing any work permit. However a perusal of account statement would reveal that another amount of ₹15,000/- and ₹10,000/- was deposited in the month of February and March 2024 in the account of the petitioner, the same could not be explained by learned counsel for the petitioner because as per the case, the son of the complainant had left India on 31.10.2023 and if as per the version of the petitioner he had

only provided tickets for Dubai then there is no occasion for him to have received the aforesaid amount from the family of the complainant in February and March 2024 when son of the complainant was in transit from one country to other.

8. Considering all these aspects and also the fact that son of the petitioner is missing and is not traceable till date, custodial interrogation of the petitioner is required to unearth the entire scam, therefore, no case is made out in favour of the petitioner for grant of anticipatory bail in the present petition, the same is hereby dismissed.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

06.03.2025

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No