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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.10810 of 2025
Date of decision: 21.03.2025

Vinod Kumar Srivastav and another ... Petitioners

Vs.

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Rajesh Goyal, Advocate,
for the petitioners.

Mrs. Sheenu Sura, DAG, Haryana,
for the respondent-State.

Mr. Vikram Singh, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioners under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
33	29.01.2025	Madlauda, District Panipat	24 of Immigration Act and 34, 370, 406, 420 and 506 of IPC

2. As per the prosecution case, one Ravinder Chawla acquainted to the complainant Sunil had introduced him with the present petitioners who were involved in the business of sending people abroad. The

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complainant and his co-villager Pawan were interested to settle abroad. On 02.08.2023, the complainant along with the victim Pawan had gone to the house of the petitioners who are parents of co-accused Adesh and met them. The petitioners and accused Adesh induced them to part with a sum of Rs.35 lakhs by assuring that they would arrange for a visa and work contract for them in some foreign country. They had made demand of a sum of Rs.5 lakhs as initial payment from the complainant and Pawan, which was so given by them to the petitioners. They had subsequently taken a sum of Rs.10 lakhs from the victims. The victims were sent to Sri Lanka on 22.08.2023. They were forced to do labour work and were kept as slaves therein. When they contacted the accused Adesh, he raised demand of Rs.5 lakhs each from both the victims and otherwise threatened that they will not get their visa for US. Their family arranged that amount of money also. However, no visa for USA was got issued. Rather fake tickets from Sri Lanka to Mexico were provided to them. The victims returned back from Sri Lanka to India on 24.09.2023. They demanded their money back but instead of giving the same, the petitioners extended threats to them. By alleging that the complainant had been duped of a sum of Rs.20 lakhs on the pretext of sending them abroad on work contract to America and Canada, the victims were sent to Sri Lanka only and that the petitioners had issued fake and forged air tickets to them, he prayed for taking action. After registration of FIR,

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investigation is going on and is underway.

3. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case. They are old aged persons. No specific role has been attributed to petitioner No.2. Neither there was any inducement on her part nor she has received any amount of money from the victims. She is ready to join the investigation. No recovery is to be effected from her. Her custodial interrogation is not required.

4. It is further argued that so far as the petitioner No.1 is concerned, even he is not the beneficiary of any transactdion. No amount of money is proved to have been paid to him. The transaction if any has taken place between the co-accused Adesh and Ravinder Chawla and not with petitioner No.1. He too is ready to join the investigation and to abide by the terms and conditions to be imposed upon him. Therefore, it is argued that they deserve to be extended benefit of bail.

5. Power of Attorney has been filed on behalf of the complainant and the same is taken on record.

6. Status report has already been filed. It is argued by learned Deputy Advocate General, Haryana assisted by learned counsel for the complainant that there are specific and serious allegations against the petitioners as in connivance with their son i.e. co-accused Adesh Srivastav who is absconding as well as the co-accused, they induced the victims Sunil and Pawan to part with a huge amount of money on the

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pretext of arranging for their job contract visa for Canada and USA. They sent the victims to Sri Lanka by representing that from there the victims would be sent to Mexico and then to USA. However, forged and fabricated air tickets were given to the victims. It is argued that the deeper probe is required to be conducted in the matter. The duped amount is also to be recovered from them and, therefore, it is urged that the petition does not deserve to be allowed.

7. I have heard learned counsel for the parties at considerable length and have gone through the record.

8. Both the petitioners along with the co-accused are alleged to have kept the money as received from the complainant thereby pointing out their active participation/complicity in the commission of subject offences. The case is at its nascent stage. For conducting thorough investigation in the matter, the custodial interrogation of the petitioners is must. The custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. More so, no exceptional and extraordinary circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing in favour of the petitioners. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

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9. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

21.03.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No