



211 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRM-M-11662-2025
Date of decision: 18th March, 2025

Vicky Sharma

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ranjit Singh Bajaj, Advocate for the petitioner.
Mr. Apoorv Garg, Sr. DAG, Haryana..
Mr. Munish Kumar Garg, Advocate for respondent No.2.

MANISHA BATRA, J (ORAL):-

The instant one is the second petition for grant of anticipatory bail as filed by the petitioner in case arising out of FIR No. 512 dated 17.09.2024 registered under Sections 120-B, 370(3), 406, 420 and 506 of IPC at Police Station City Tohana, District Fatehabad. The previous petition bearing CRM-M-49700-2024 as filed by him, had been dismissed vide order dated 08.11.2024.

2. As per the allegations, the accused Anil had induced the complainant to part with huge amount of money on the pretext of sending his brother and cousin brother abroad and to secure employment for them. After receipt of money from the complainant, the brother and cousin brother of the complainant were taken to Belarus country by the agents of accused Anil, where were physically assaulted and criminally intimidated. On receipt of this information, the complainant contacted accused Anil, who introduced him with the present petitioner, who was also a travel agent and co-accused



Gurmeet. Both of them represented that they would secure safe arrival of the brother and cousin brother of the complainant to Russia and would also ensure some employment for them. The petitioner and co-accused Gurmeet took an amount of Rs. 12,00,000/- from the complainant initially and then raised demand of more money which too had been given but the victims were neither sent back nor the complainant could make any contact with them. On the basis of complaint lodged by the complainant, the aforementioned FIR was registered. Investigation is still underway.

3. It is argued by learned counsel for the petitioner that ever since the date of dismissal of previous petition as filed by him, circumstances have changed since the victims i.e. brother and cousin of the complainant have safely returned to India. The co-accused has also been extended benefit of regular bail. The petitioner is ready to return the amount of Rs. 6,30,000/- as given by the complainant to him. His custodial interrogation is not required. He is ready to join the investigation. No purpose would be served by detaining him. Therefore, it is urged that the petition deserves to be allowed.

4. Mr. Munish Kumar Garg, Advocate has put in appearance on behalf of respondent No.2/complainant and has filed his *vakalatnama*.

5. Learned Senior Deputy Advocate General, Haryana assisted by learned counsel for the complainant has argued that there are serious allegations against the petitioner. His previous petition had been dismissed on merits after making a detailed discussion. His custodial interrogation is must for conducting proper investigation in the matter and to elicit information about the manner, in which the subject offences have been committed by him. No extra ordinary and exceptional circumstance has been



made out. The co-accused Gurmeet has been extended benefit of regular bail and not of anticipatory bail. There is no specious or substantive change in the circumstances, since the date of dismissal of the previous petition. Accordingly, it is urged that the petition does not deserve to be allowed.

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

7. The previous petition for grant of pre-arrest bail as filed by the petitioner had been dismissed while taking into consideration, all the pleas as raised by the petitioner at that time. The case of petitioner cannot be stated to be at parity with that of the co-accused who had been arrested and granted benefit of regular bail. No role has been played by him in safe return of the victims to India. Moreso, their return as such does not amount to any substantive change in the circumstances in favour of petitioner. The allegations against the petitioner are serious. The powers for grant of pre-arrest bail are to be exercised in extra ordinary circumstances whereas no such exceptional and extra ordinary circumstance is made out. No ground for grant of pre-arrest bail is made out. Accordingly, the petition stands dismissed.

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

9. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

18th March, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*