

CRM-M-12755-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12755-2025
Reserved on: 05.05.2025
Pronounced on: 19.05.2025

Naresh Kumar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Nikhil Vats, Advocate
for the petitioner.

Mr. Aashish Bishnoi, DAG, Haryana.

Mr. Rajesh Duhan, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
131	07.02.2025	City Panipat, District Panipat	316(2), 318(4) & 351(2) of BNS

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 11 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply dated 13.03.2025 filed by the State, which reads as follows:
- 3(i) That a complaint was made by complainant Raghbir Singh to the Superintendent of Police, Panipat against Deepak son of Naresh Kumar and Naresh Kumar son of Radha Krishan alleging therein that on 21.11.2022, he met accused Naresh and Deepak who told him that they were in the business of sending children abroad. They agreed for sending the son of the complainant namely Vivek Kumar, daughter in law Anuradha and grandson Shivansh abroad for a total sum of Rs. 60 lacs. Rs. 10 lacs were to be paid after approval of VISA and remaining Rs. 50*

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lacs were to be paid after they reach in America. They took all the three passports. On 3.12.2022, the accused told them that their VISA had been approved and demanded Rs. 10 lacs. On 05.12.2022, Rs10 lac were paid to accused. They told that their flight was on 11.12.2022 at 10:00 P.M. and they would be given tickets and passports at the airport. They further demanded Rs. 6 lacs for tickets accommodation and taxi expenses. The complainant paid Rs. 6 lacs for this. They went to Delhi Airport and waited for the accused till 1:00 A.M but accused did not come and some other person made a phone call to them to return as there was no flight on that day. Thereafter, they came to Panipat and searched for accused. The accused met after one week and told them that they have committed mistake and that they would refund their money as the accused gave them fake visa. After one week, the complainant again met the accused but accused started assaulting and abusing him and threatened to kill him.”

4. Petitioner’s counsel seeks bail on the following grounds

- a) The incident is two years old, and despite its age, no action has been taken.
- b) The dealings were with Naveen Kaur Nagpal, who was engaged in the alleged fraud, and even the petitioner was also a victim of the said Naveen Kaur Nagpal.
- c) The petitioner had also given money to Naveen Kaur Nagpal for sending his son abroad, but she, along with the other accused, ran away by taking the money.

5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

6. The State’s counsel opposes bail and submits that no evidence was brought to the notice of the investigator about petitioner’s being cheated by Naveen Kaur Nagpal and has referred to the reply.

REASONING:

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

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8. On 06.03.2025, this Court had sought a reply from the State; however, after going through the same, this Court wanted the petitioner to join the investigation and apprise this Court about the complaint dated 07.11.2024 (Annexure P-2), filed by the petitioner. In response to the order dated 08.04.2025, a reply dated 25.04.2025 has been filed by the concerned Inspector. The reply mentioned that the complaint dated 07.11.2024 was filed by the petitioner, Naresh, against Vivek, Anuradha, and Raghubir Singh at the Panipat City Police Station, Panipat, vide complaint No. 1057-5PII dated 13.11.2024.

9. The petitioner made a complaint, Annexure P-2, in which he stated that the allegations are false. He put the entire blame on the victims.

10. The matter was enquired into by ASI Rana Pratap, who found the complaint to be false.

11. It shall be appropriate to refer to the following portion of the reply dated 13.3.25, which reads as follows:-

“3(ii) That after receiving the complaint, the preliminary enquiry of the case was conducted by SI Parminder. He recorded the statement of complainant and witnesses and obtained the relevant record including writings between the complainant and accused Naresh Kumar (Petitioner), receipt dated 05.12.2022 of Rs. 10 lakhs issued by accused Naresh Kumar (Petitioner), copy of bank account statement of complainant wherein complainant had withdrawn Rs. 7 lacs from his account, a pen drive having call recording wherein accused are ensuring the complainant of refund if they could not succeed to send him abroad, copy of their passport and fake visa stamp affixed on their passport.

3(iii) That during the enquiry, correspondence was made to Embassy of the republic of Guatemala regarding the alleged forged visa issued to the complainant's family. It was replied by the embassy of the republic of Guatemala on 09.01.2025 that the alleged visas have not been issued by them and they are fabricated documents. True Copy of Reply of embassy of the republic of Guatemala is annexed herewith as Annexure R-1.”

12. It shall be appropriate to refer to the following portion of the reply dated 25.04.2025, which reads as follows:-

“[7]. That the role of the petitioner Naresh Kumar is that he along with co-accused Deepak promised to send complainant's son Vivek Kumar, complainant's daughter in law Anuradha and his grandson Shivansh to America and demanded total of Rs. 60 lacs from him for this work. Out of the said amount, Rs. 10 lacs were agreed to be paid by the complainant

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after arrival of visa and remaining Rs. 50 lacs after reaching America. Thereafter, petitioner and co-accused Deepak took Rs. 10 lacs from the complainant under the pretext that visa of the complainant's family has been approved and he took additional Rs. 6 lacs after some days under the pretext of air travel tickets, taxi charges and accommodation charges. It is pertinent to mention here that petitioner had also issued receipt regarding receiving Rs. 10 lacs from the complainant. However, Visa issued to the complainant's family was found to be fabricated and the petitioner also did not send the family of the complainant to America. In this way, petitioner along with co-accused Deepak duped about Rs. 16 lacs from the complainant. The further investigation of the case is still under progress. [8]. That the petitioner and co-accused Deepak has not joined in the investigation of the case. The recovery of huge amount of about Rs. 16 lacs is pending in this case and to know about the source by which he got made the fabricated visas is also to be enquired from the petitioner. Hence, the custodial interrogation of the matter is required by the police not only for proper investigation of the case but also for the purpose of effecting recovery. It is well settled proposition of law that custodial interrogation is qualitatively more elicitation. It is equally well settled that custodial interrogation of accused is of tremendous advantage in disintegrating many useful information and also material which would have been concealed.”

13. The petitioner allegedly entered into an agreement dated 21st November 2022, for sending Raghbir's son and daughter-in-law, and grandson to the United States of America. The said agreement is annexed to the reply as Annexure R-3 and mentions payment of Rs. 16,72,000/-on multiple occasions. The first installment was Rs. 10 lacs, and its receipt dated 5th December 2022, is annexed as Annexure R-4. The complainant remained under the belief that he would get back his money, which was not due to any civil liability, but instead was cheated from him under the false assurance of obtaining USA Visas.

14. According to Annexure R-2, the Embassy of Guatemala has confirmed that the visas issued to the victims were counterfeit.

15. The sly way the petitioner conned the complainant highlights the dangerous trend of the revival of thuggee by revisiting history.

16. A perusal of the bail petition and the attached documents prima facie points towards the petitioner's involvement and does not establish a case for anticipatory bail. The impact of crime would also not justify anticipatory bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

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

18. **Petition dismissed.** Interim orders are recalled with immediate effect. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

19.05.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.