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

**CRM-M-17480-2025 (O&M)
Date of decision: 01.04.2025**

Rampal

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vikram Singh, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*erstwhile Section 438 of the Code of Criminal Procedure, 1973*) for grant of anticipatory bail in FIR No.328 dated 16.04.2024 under Sections 406 & 420 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Sadar Karnal, District Karnal.

2. The facts in brief, as alleged, are that FIR (*supra*) was registered on the basis of a complaint made by the complainant, namely Santosh, on the allegations that the petitioner, after inducing the innocent people on the pretext of sending them abroad, cheat them. The petitioner assured her son, namely



Ashwani, to send him to Germany and also promised that he would get a job for him there and he asked to pay Rs.7,50,000/-, to which her son agreed. In October, 2023, brother of the petitioner, namely, Malkhan, his wife and one Vivek visited village of the complainant and took Rs.4,50,000/- in cash from her. Thereafter, the accused persons sent son of the complainant to Moscow and assured to send him Germany from Moscow after some time, as war started in Russia. In March, 2024, the accused persons asked for another Rs.3,00,000/- on the pretext of sending her son to Germany and on 06.03.2024, the complainant deposited the said amount through RTGS in bank account No.50100694284442. However, her son was not sent to Germany. When the complainant put pressure on the accused, they returned the money. She has apprehension that the accused persons in connivance with each other killed her son.

3. Learned counsel for the petitioner, *inter alia*, contends that the petitioner has been falsely implicated in the present case, as he was in Russia, when son of the complainant was promised to be sent to Belarus and the amount, which was deposited in the account of wife of the petitioner, has already been returned through RTGS. As such, no offence, as alleged against the petitioner, is made out. The petitioner is having clean antecedents and he is not involved in any other case.

4. *Per contra*, learned State counsel opposes the prayer for grant of anticipatory bail to the petitioner on the ground that admission of the petitioner



regarding return of the amount itself makes a case under Sections 406 & 420 of IPC. The petitioner has indulged in human trafficking and on his inducement, son of the complainant was taken to Moscow and thereafter, till date, the complainant has not heard from her son. It has been more than one year and whereabouts of son of the complainant are not known. The petitioner is the only person, who could provide the information in this regard. As such, custodial interrogation of the petitioner is required to ascertain the *modus operandi* and the manner, in which human trafficking is being carried out.

5. I have heard learned counsel for the parties and perused the record of the case with their able assistance.

6. Keeping in view the facts and circumstances of the case and also considering the allegations levelled against the petitioner, this Court finds no ground to grant the concession of anticipatory bail to him. Accordingly, present petition is dismissed.

7. However, nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and learned trial Court shall decide the case on its own merits without being prejudiced by the observations of this Court.

[HARPREET SINGH BRAR]
JUDGE

01.04.2025
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No