



CRM-M-18070-2025

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

CRM-M-18070-2025

Date of decision: 9th April, 2025

Om Parkash

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vinod Ghai, Senior Advocate with
Mr. Arnav Ghai, Advocate for the petitioner.

Mr. Vipul Sherwal, Assistant Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 108 dated 17.02.2025 registered under Sections 120-B, 370, 406, 420 and 506 of IPC (Sections 316(2), 318(4), 143, 61(2) and 351(3) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Samalkha, District Panipat.

2. The aforementioned FIR has been registered on the complaint as lodged by the complainant Raja alleging therein that he was interested to settle abroad. In the month of May 2024, the accused Surinder, who is working as an agent had assured him to send him to USA through valid means, on his incurring expenses to the tune of Rs. 43,00,000/-. On being so induced, the complainant and his family members agreed. A sum of Rs.



3,00,000/- has been given to accused Surinder and the remaining amount was given subsequently. Accused Surinder then sent him to Dubai on 23.07.2024. Through the man of accused Surinder, he was then sent from Dubai to different countries and then to forests of Panama and then to Mexico. On 01.02.2025, the donkers/agents to Surinder made him cross American Boarder. He was arrested by the American Police, was confined in jail and was deported to India on 16.02.2025. He alleged that in the meanwhile, Surinder had taken cash amount of Rs. 22,00,000/- from his father. The complainant further alleged that he in contact with accused Surinder and his accomplice i.e. the present petitioner and one Pankaj and used to have conversation with him. He alleged that his father informed him that on asking of accused Surinder, he had gone to the house of the petitioner for giving a sum of Rs. 22,00,000/-, while alleging that the petitioner in connivance with the co-accused had sent him to USA through illegal manner and had duped him of a sum of Rs. 40,00,000/-. He prayed for taking action in the matter. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Panipat which was dismissed vide order dated 21.03.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. As per the allegations in the FIR, it was the co-accused Surinder and not the petitioner, who had induced the complainant and had arranged for his going abroad. The only allegation against him is that the accused Surinder and Pankaj had visited his house twice and a sum of Rs. 22,00,000/- was handed over to them by the family



of the complainant therein. No money was ever handed over to him. There was no inducement on the part of the petitioner. There is nothing on record to show his complicity in the subject offences. He is ready to join the investigation. His custodial interrogation is not required. Neither any recovery is to be effected from him. Accordingly, it is urged that he deserves to be extended benefit of pre-arrest bail.

4. Status report has been filed by respondent-State. Learned Assistant Advocate General, Haryana has argued that there are grave allegations against the petitioner. The father of the complainant has recorded a statement that proves that a sum of Rs. 22,00,000/- was given by him to the petitioner. The petitioner by hatching a conspiracy with the co-accused has duped the family of the complainant of huge amount of money. For conducting thorough and proper investigation in the matter, custodial interrogation is must. No extra ordinary or sparing circumstance has even otherwise been made out for the purpose of extending benefit of bail to the petitioner. Accordingly, it is urged that the petition does not deserve to be allowed.

5. Rival contentions raised by both sides have been considered.

6. The complainant was allegedly induced by the accused Surinder, to give a sum of Rs. 43,00,000/- for the purpose of sending and settling him in USA through valid means, however, he was sent there through illegal means and was deported on 16.02.2025. As per the allegations, the petitioner in connivance with the co-accused had extracted a huge amount of money from the family of the complainant. An amount of Rs. 22,00,000/- has been alleged to be given to the petitioner specifically by



the family of the complainant. The petitioner has criminal antecedents since he is involved in one more case of similar nature. The allegations make out a *prima facie* case for commission of offence of cheating as against the petitioner. For the purpose of conducting thorough investigation, custodial interrogation of the petitioner is required. The case is at its nascent stage. No such exceptional and extra ordinary circumstance could be pointed out by the petitioner's counsel on the basis of which it can be stated that he deserves to be extended benefit of pre-arrest bail. It is also well settled that the Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

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

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

[MANISHA BATRA]
JUDGE

9th April, 2025

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No