



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20690-2025
DECIDED ON: 22.04.2025

RAM SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vishal Garg Narwana, Advocate and
Mr. Arishdeep Mraad, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 of B.N.S.S., 2023 for grant of anticipatory bail to the petitioner in case FIR No. 44 Dated 22.02.2025 (Annexure P-1) U/s 420, 406 IPC and Section 24 of Immigration Act, 1983, registered at Police Station : Adampur, District Hisar.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“To, respected SHO Sahab, Police Station Adampur, District Hisar. Subject: Regarding sending abroad by cheating. Respected Sir, it is prayed that I Pankaj son of Sh. Narender Singh, am permanent resident of Village Modhakhera, District Hisar. I chose one travel agent to go to abroad, which is as follows, Manish son of Sh. Ram Singh and Ram Singh son of Sh. Nandram, residents of Village Dhani Mohabbatpur, District Hisar. Who is now residing in America California. He

gave me advice to go abroad. He asked to give Rs. 35,00,000/- (Thirty five lakh rupees) for this work. I have given rs. 35,00,000/-(Thirty five lakh rupees) to his father Ram Singh in his house. Whose M.No. 94666-13931. He gave me one number (51926312310) of one donkar, name of that donkar was Abdul. With whom I use to have all the conversation. He called me to Delhi for passport. He told me that you will reach America within 30-40 days and said that you will not face any difficulty of any kind. Then he got me visa of Guyana country. Then I went to Delhi on 7 October 2024. My flight for going to Guyana country was booked for 11 October. Then I reached at Guyana country on 14 October. There donkar came to take me. Sir, on the next day they got me entry in Brazil country in illegal manner. After that that donkar made me roam in Brazil country for 1 month. Some time I was made to roam in 6 flights and some times make me roam from one city to other city, after that I was sent to Bolivia country in an illegal manner. Then I crossed Bolivia country in 1-2 days by car. After that I was sent to the next country Peru, after that from Peru to Ecuador. After that was sent to ext country Combodia. I waited in Combodia for about 10-15 days, after that I was sent to Capurgana island. Then from Capurgana, one night I departed in a board through sea, that boat left me in the forest of Panama. Then donkar came there. There was a group of us 40 persons, in which many children and females were also there. Then they said that you by walking in the forest, have to cross this forest on foot. Sir, I kept on walking in the forest for about two days. They did not give me anything to eat-drink. I kept on walking in the forest in serious condition. On the next day, I was made to ride horses for 5-6 hours. Donkar use to walk along with pistol and knife. Then I crossed high mountains through horses. That donkar had taken our phone. After that on the next day, I was made to walk in the river through dangerous boat. I was made to walk through deadly path from the entire forest. Then I was confined in an old tin house outside the forest. I was kept in that house for 7 days, there was nothing to sleep there

and eat-drink there. I daily use to ask the donkar that get me out of here but he did not listen to me. After that he sent me to Panama city. Police caught me in Panama city. He kept me in jail for about 28 hours. After that they left me in the next country Costa Rica, then I through car and bus, got me entry in Nicaragua country in an illegal manner. After that I was sent to the next country Honduras. I walked on foot for about 4-5 hours in the night at Honduras. That was a very secluded path. There one donkar was with us, who took our phone. Then he made me stay on one hill for the whole night in very cold whether. Then I was sent to the next country Guatamela, then I was made to stay in Guatemala for 10 days, there I use to get food of one time with difficulty. By getting money from my house, I use to make arrangement of little food. After that, I was sent to the next country Mexico in an illegal manner and I was made to roam for about 20 days. Thereafter I was sent to Tijuana city for crossing the boarder. The donkar daily use to tell me that today you will cross the border. Then he slowly and slowly held me for 10-15 days, after that on 31 January 2025, he got me crossed the border. He had told me that I will get you cross the border in a totally safe manner but he by leaving us near the border fled away. The border was about 30 feet in height, we climbed up on the border with great difficulty and fell in America from above the border, due to which I suffered many injuries in my foot, after that police of America apprehended me and they brought me to police station. Then they kept me in jail for about 15-20 days then on 14 February 2025, police told us that we are taking you to other jail. They put handcuffs in my feet and hands then they took me to Airport San Diego in bus. We were about 112 persons, in which small children and females were also there. After that he were made to sit in plane, all of us were told that now are going to other jail, then that plain travelled for 42 hours and landed in Amritsar India. Upon reaching at Amritsar, we came to know that we have been deported. I was held captive in the plain in a brutal manner. They use to let us go to the bathroom with great difficulty. In

the night of 17 October 202 February 2025, came to Amritsar after being deported. In this entire journey it took me about 4-5 months, in which I faced many difficulties. In this manner, I was sent to India from America. So, it is my request to you that police and legal action be taken against the above Manish and Ram Singh and my amount of Rs. 35,00,000/- (Thirty five lakh rupees) be got returned to me. Justice be served upon me. I shall be grateful. Thanking you. Dated :- Applicant, Pankaj son of Sh. Narinder, caste Rajput, resident of Village Modhakhera, Tehsil Adampur, District Hisar. M.No. 9466614601 and 74949-08290. Today at Police Station :- The above complaint CCTNS No. 214 Dt. 18.2.25 after inquiry report of ASI Ramesh Kumar 1418, P.S. Adampur and after Final report of SHO, Police Station Adampur and after taking permission of respected Superintendent of Police, Hisar, through post was received in the police station. From the contents, offence under section 316(2), 318(4) BNS and 24 IMMIGRATION ACT 1983, are found to be made out, upon which by registering the case, computerized copies of the FIR were prepared. The police file along with original complaint for further investigation, is being taken into possession by me ASI Ramesh Kumar 1418/Hisar, P.S. Adampur. Copies of the FIR through post be sent to the senior officers. Information be given to SHO Sahab regarding the present case".

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that there is a delay of 05 days in registration of the present FIR as the complainant reached at Amritsar Airport on 17.02.2025 and complaint was made by him on 18.02.2025 whereas the present FIR was got registered on 22.02.2025. He further contends that a compromise has been entered into between the petitioner and the complainant as is evident from Annexure P-5. He asserts

that it has been alleged by the complainant that he gave Rs.35,00,000/- to the petitioner at his house, however, no proof/evidence has been provided by the complainant to corroborate the said statement in the FIR. It is submitted on behalf of the petitioner that he is ready and willing to join the investigation and cooperate with the investigating officer concerned.

Notice of motion.

On behalf of the State/complainant

On the asking of the Court, Mr. Chetan Sharma, DAG, Haryana accepts notice on behalf of the respondent-State whereas Mr. Khushwant, Advocate has put in appearance on behalf of the complainant, and filed his Power of Attorney, which is taken on record. He opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner and his son committed fraud by misappropriating Rs.35 lakhs given by the complainant for getting USA visa. It is contended that the custodial interrogation of the petitioner is required for recovery of alleged Rs.35 lakhs.

4. **Analysis**

Be that as it may, considering the fact that a compromise has been entered into between the petitioner and the complainant, wherein the complainant and his father undertook to withdraw the present FIR, as is evident from Annexure P-5 and the fact that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer concerned, this Court is of the considered view that the petitioner deserves the concession of anticipatory bail at this stage. Since parties have entered into the compromise, question of custodial interrogation does not exist.

5. **Relief**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to him joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

22.04.2025

Poonam Negi

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No