2025:PHHC:066883

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

CRM M-24086 of 2025
Date of Decision: 14.05.2025

Joginder Pal ...Petitioner

Versus

State of Haryana and another ... Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Ram Kumar Saini, Advocate, for the petitioner.

Mr. Rupinder Jhand, Addl. A.G., Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 482 of the B.N.S.S., with a prayer to grant anticipatory bail to him in case FIR No.332 dated 19.10.2024 registered under Sections 406 and 420 IPC and Sections 10 and 24 of Immigration Act at Police Station Pehowa, District Kurukshetra.

2. The FIR in the present case was registered on the basis of the statement made by Ram Chander son of Telu Ram and the same has been reproduced below:-

> *"Sir, one complaint No.421-KB dated 06.08.2024 has been received in the police station through post from the*

office of the Superintendent of Police. Kurukshetra after enquiry report by the Incharge, Economic Offence Wing. Kurukshetra, the contents of which are as follows: To the Superintendent of Police, Kurukshetra. Subject: Complaint against Abhijit Sammi Mob. Nos.7056784567, 7027862121 and Ravinder Mob. 6363486488, R/o House No.154 and 173, Ram Nagar, Ambala for committing monetary fraud on the pretext of sending my son abroad and for taking legal action for doing illegitimate profession of illegal passage (Kabutarbazi) and fraud. Sir, stated that I, Ram Chander s/o Sh. Telu Ram, am permanent R/o Village Ratangarh Kakrali, Tehsil Pehowa, District Kurukshetra and I am doing agriculture work. That I was on visiting terms in the house Hemant Kumar s/o Jagan Nath r/o Dhanirampura and above accused Abhijit Sammi and his brother-in-law/jija Ravinder were also having visiting terms in the house of Hemant Kumar s/o Jagan Nath, R/o Dhanirampura, Tehsil Pehowa, District Kurukshetra, who was doing the work of sending abroad. When Hemant Kumar made me to meet the above accused at his house, then I told the above accused that I wanted to send my son abroad Canada, upon which the above accused said that they had already sent many children abroad Canada and they would also send my son abroad and asked me to come and meet them in their office namely Devine Mall, First Floor, Masav Legal Visa & Consultant, situated near New Bus Stand, Kurukshetra. Thereafter, after many days, I went and met the above accused on the address told by them and he said that he would send my son abroad - Canada *and the matter of sending to Canada was settled between us for Rs.25,00,000/-and the above accused said that I had to pay Rs.5 lac and documents in advance and then they would receive the remaining after sending my son Rahul abroad - Canada and on their asking, on 03.08.2023, I got transferred Rs.1,00,000/- through Google Pay from the account of my son Rahul bearing No.50100539443926 in the account of above accused and Rs.1.00.000/- on 04.08.2023 and gave Rs.3,00,000/- (Rupees three lac) in cash and as per asking of the above accused, Rs.5 lac were given through Google Pay and in cash and thereafter, the above accused have been prevaricating the matter with me and have been showing reluctance in giving money. It is my request to your goodself to get return Rs.5 lac of mine from the above accused and stern legal action be taken against above accused for committing fraud in the name of sending abroad. It shall be your kindness. Thanking you. Dated 05.08.2024. Sd/-Ramchander. Appilcant Ramchander s/o Sh. Telu Ram r/o village Ratangarh Kakrali, Tehsil Pehowa, District Kurukshetra. Mob 9992477219. Conclusion of the complaint is as follows: Complaint No.421-KB dated 06.08.2024 moved by complainant Ramchander s/o Telu Ram r/o Ratangarh Kakrali, Police Station Pehowa, District Kurukshetra against respondents Abhijit Sammi s/o Durga Dass r/o House No.154 and 173, Ram Nagar, Ambala, Mobile Nos.7056784567, 7027862121 and Ravinder, Mobile No.6363486488 r/o House No.154 & 173, Ram Nagar, Ambala for committing fraud of Rs.5,00,000/- in the name of sending abroad Canada, was marked to SI*

Naresh Kumar of Police Station Sadar, Pehowa. SI Naresh Kumar, P.S. Sadar Pehowa gave information/ notices to respondent Abhijit Sammi on his mobile Nos.70567-84557, 70278-62121 on 13.08.2024, 23.08.2024, 24.08.2024. On 27.08.2024, the complaint was marked to me, Sl. For the purpose of joining investigation, the above respondent Abhijit Sammi was issued notices on 03.09.2024, 05.09.2024, 13.09.2024 and 17.09.2024 and WhatsApp talks were made time and again with respondents Abhijit Sammi and Ravinder. The respondent Abhijit Sammi got recorded his statement. WhatsApp call was made on the mobile No.8278291015 of above respondent Ravinder and during talk he told that there was no business dealing between him and Abhijit Sammi for sending abroad and he did not talk with Ramchander for sending Rahul abroad Canada and whatever talk was made, it was Abhijit Sammi. On 03.08.2023, Rahul had transferred Rs.1,00,000/- from his HDFC Bank A/c No.50100639443926 through Google Pay in the Bank account of Abhiji Sammi. On 04.08.2023, again Rs.1,00,000/- were transferred and Ramchander and Jasmer Singh gave Rs.3,00,000/- in cash to Abhijit Sammi in the office of Abhijit Sammi at Kurukshetra. In the month of January, 2024, Abhijit Sammi stated to have got done biometric of Rahul at Delhi. The complainant produced Pen Drive containing recording of talk held with respondent Abhijit Sammi and Bank Statement. From the enquiry of complaint, no evidence was produced against Ravinder r/o House No.154 & 173, Ram Nagar, Ambala. From the enquiry of complaint, Abhijit Sammi s/o Durga Dass r/o

Kurukshetra Road, Pehowa, at present H.No.154 & 173, Ram Nagar, Ambala, Mobile No.7056784567, 7027862121 has been stated to have committed fraud of Rs.5,00,000/- in the name of sending son of above complainant Ram Chander namely Rahul abroad - Canada. However, the involvement of Ravinder is stated to be suspicious. The allegations levelled in the complaint have been found to be verified, due to which it is necessary to conduct investigation after registering the case. From till date enquiry, offence u/s 406, 420 IPC and 10/24 of Immigration Act have been found to be committed. It is requested to your goodself to pass order to send complaint in Police Station Pehowa (Kurukshetra) for registration of case. Report is presented for kind perusal. Sd/- In-charge. Economic Offences Wing, Kurukshetra, dated 20.09.2024".

3. Learned counsel for the petitioner contends that from a perusal of the FIR, it is evident that no specific allegation of either demanding money or receiving money has been levelled against the present petitioner. Even, the name of the petitioner has been wrongly referred as "Ravinder", whereas the actual name of the petitioner is Joginder Pal Singh and this fact itself proves that the complainant did not know the present petitioner. He further contends that the petitioner has been falsely involved in the present case as he happens to be the real brother-in-law (Jija) of Abhijit Sammi and his name has been involved only to put pressure on the main accused. Apart from that, the petitioner had no dealings with Abhijit Sammi (his brother-in-law) nor had any concern with the firm M/s Mansav Visa & Consultant,

which was run by his co-accused. In fact, the petitioner is running a small business at Budhladha, District Mansa for the last several years and the petitioner had no dealings with brother-in-law Abhijit Sammi. Even, during the course of preliminary inquiry, no evidence could be produced against the petitioner and the police is unreasonably raiding house of the petitioner.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner and has referred to paragraphs 5 and 6 of the status report, which have been reproduced below:-

> *"That the petitioner/accused Joginder Pal alias Ravinder son of Mohan Lal resident of House No. 158-A, Ramnagar, Ambala City, Ambala is the brother-in-law of main accused in the above case Abhijeet Sambhi son of Durgadas Verma resident of London (England) and the real name of main accused Abhijeet Sambhi is Kanwar Bhan and he is a citizen of London (England) who has come to India for a long time and Abhijeet Sambhí after coming to India met his brother-in-law Joginder Pal alias Ravindra son of Mohan Lal resident of House No. 158-A. Ramnagar, Ambala City, Ambala and to conceal his identity (name Kanwar Bhan), changed his name from Kanwar Bhan to Abhijeet Sambhi and for changing his name as Abhijeet Sambhi, Joginder Pal alias Ravindra gave his home address i.e House No. 158-A, Ramnagar, Ambala City, Ambala and the documents required for changing the address included Joginder Sambhi's name Joginder Pal alias Ravindra*

has fully hand in gloves with main accused Abhijeet Sambhi. Accused Abhijeet Sambhi alias Kanwar Bhan had defrauded plaintiff Ramchandra of Rs 500000/- in the name of sending Rahul abroad to Canada and in the application made by the complainant, name of accused Joginder Pal was mentioned as Ravindra and the above case was registered and investigation of the case was carried out. During the investigation plaintiff Ramchandra has got his statement recorded in the investigation done on 06.02.2025 that real name of main accused Abhijeet Sambhi is Kanwar Bhan, on the basis of whose statement offence under 120B IPC was found to have been committed and Section 120B IPC was invoked in the case. During the investigation, a search was conducted at the address given by main accused Abhijeet Sambhi, house number 158-A, Ramnagar Ambala City, Ambala. During this, the complainant Joginder Pal alias Ravindra told that it has been many years since I met my brother-in-law Abhijeet Sambhi, about whom I do not know anything. According to the records, main accused Abhijeet Sambhi has given the address of Ambala everywhere in the records. According to the records, Rs. 5000/- was sent in the account of accused Joginder Pal alias Ravinder on 08.01.2025 as WDL TRF UPI/DR/5000826329898/JOGINDER/HDFC/8278291015/SENT0097693162093 and Rs. 5000/- was sent in the account of accused Joginder Pal alias Ravindra's sister on 07.01.2025, as mentioned in the records and same is attached as Annexure R-2. Accused Joginderpal @ Ravindra brother-in-law Abhijeet Sambhi @ Kanwar Bhan keeps changing his family's ID (address) and *mobile SIM of Abhijeet can be found. The accused has stated that he has given a new SIM number 9991531176 to Abhijeet Sambhi on 10.01.2025. Main accused Abhijeet Sambhi alias Kanwar Bhan's mobile numbers 9991531176 or 8397031176 have been changed from PAID to POSTPAID on 21.01.2025 as they are in his name to help the main accused so that the police cannot contact Abhijeet Sambhi.*

6 The investigation is in the present case is at initial stage and the relevant record and the amount, which was given in cash, are yet to be recovered and for that purpose, the custodial interrogation of the accused-petitioner is necessary and he is main accused".

5. Learned State counsel submits that in fact the petitioner as well as his brother-in-law Kanwar Bhan had concealed their real identities in the present case, only with a view to cheat the poor complainant in the present case.

6. I have heard learned counsel for the parties and perused the record.

7. In the present case, from a perusal of the FIR, it is apparent that two accused, namely, Abhijit @ Sammi and Ravinder had cheated the complainant to the tune of Rs. 5 lakhs on the pretext of sending his son abroad. Further, both the accused, i.e., Kanwar Bhan and Joginder Pal (petitioner) had concealed their real identities to cheat the general public. In fact, Kanwar Bhan was projecting himself as Abhijit @ Sammi, whereas the present petitioner claimed himself to be Ravinder. Thus, it is apparent that the present petitioner

and his brother-in-law Kanwar Bhan had the intention to cheat the complainant and other public since the inception. Even, this Court has noticed that this tendency of cheating the innocent youth of this country on the allurement of sending them abroad, is on the rise and the illegal travel agents, who cheated the innocent people do not deserve the concession of anticipatory bail. In the considered opinion of this Court, the custodial interrogation of the petitioner would be required to know the names of other accused and to recover the money and documents of the victims from the accused. Apart from that, the police is yet to ascertain the names of the other victims, who may also have been duped by the petitioner.

8. Finding no merit, the present petition is ordered to be dismissed.

14.05.2025 **(N.S.SHEKHAWAT)**
amit rana **JUDGE**

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No