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

CRM-M No.26391 of 2025
Date of Decision: 29.07.2025
Reserved on: 22.07.2025

Balraj ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Amit Choudhary, Advocate,
for the petitioner.

Ms. Himani Arora, DAG, Haryana,
for the respondent-State.

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MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
21	07.01.2025	Azad Nagar Hisar, District Hisar	506, 420 and 120-B of IPC (406 of IPC added and 120-B of IPC deleted later on)

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR has been registered against the petitioner on the basis of a complaint submitted by the complainant Dhiraj Kumar alleging that in the month of May 2024, the petitioner who were already acquainted with him, had told him that he could get him

issued work permit for Canada. The petitioner had also represented to the complainant that he along with his friend Komal @ Sukh who was a permanent resident of Canada, were involved in the business of getting work visas issued and were running office under the name of "Delhi Dreams". The said Komal even made a call from her Canada cell number to the complainant. On her asking, he had sent through Whatsapp copies of all documents pertaining to him and required for issuance of visa to her. On 07.06.2024, the abovesaid Komal submitted an application for issuance of visa in favour of the complainant. The complainant was even called at Visa Application Center for the purpose of his biometrics. The complainant alleged that he had been induced to make payment of a sum of Rs.11,40,000/- to the petitioner and co-accused Komal through bank transactions and had also given another sum of Rs.8 lakhs to the petitioner. On 07.07.2024, he was told that visa had been issued in his favour. On 22.07.2024, the accused Komal had called him and told that his flight for Canada was due for 03.08.2024. However, neither his passport was returned nor any ticket was given to him by the accused and thereafter, the petitioner even stopped taking his calls on phone. By alleging that they had cheated him and caused wrongful loss of money to him, the complainant prayed for taking action in the matter. On his complaint, the aforementioned FIR was registered. Investigation proceedings were initiated.

3. As per the allegations, the complainant produced a pendrive containing details of the Whatsapp chats between the accused and himself as

well as bank transaction details. The petitioner was arrested on 18.02.2025. He suffered disclosure statement admitting his involvement in the crime and about extracting a sum of Rs.16 lakhs from the complainant. Investigation qua the petitioner stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 18.02.2025. The trial is likely to take time. The subject offences are triable by Magistrate. The complainant had deposited some amount of money in his bank account only to secure himself as the petitioner facilitated services through his friend Komal and only stood as a guarantor between the complainant and accused Komal. The entire amount of money was taken by the co-accused Komal and he had no hand in deceiving him. His further incarceration would not serve any useful purpose. He has a permanent abode. There are no chances of his absconding. Therefore, it is urged that he deserves to be released on bail.

4. Status report has been filed. It is argued by learned Deputy Advocate General, Haryana that there are serious and specific allegations against the petitioner who induced the complainant to part with a huge amount of money but in connivance with the co-accused and after usurping that amount of money, he did not get any visa issued in favour of the complainant. It is, therefore, argued that the petitioner does not deserve to be extended benefit of bail.

5. This Court has considered the rival submissions.

6. The petitioner is alleged to have caused wrongful loss of money to the complainant on the pretext of sending him abroad. As per the allegations, an amount of Rs.8 lakhs was transferred by the complainant in his bank account. The petitioner is now in custody since 18.02.2025. The subject offences are triable by Magistrate. It is a debatable question as to whether the offences under Sections 406 and 420 of IPC which are antethesis to each other are both made out against the petitioner or not? The trial will take sufficient time to conclude. As such, no meaningful purpose would be served by keeping the petitioner in custody any more. Keeping in view the above discussed facts, this Court is of the opinion that a case for release of the petitioner is made out. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

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

(MANISHA BATRA)
JUDGE

29.07.2025
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Whether speaking/reasoned Yes/No
Whether reportable Yes/No