

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

216

CRM-M-41359-2024

DATE OF DECISION: 21.01.2025

KARAN KAPOOR

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Durga Dutt Sharma, Advocate for the petitioner(s).
Mr. Jaspal Singh Guru, AAG, Punjab.
Mr. Arshdeep Singh, Advocate for the complainant.

SANDEEP MOUDGIL, J (ORAL)**1. Relief Sought**

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No. 0068 dated 27.05.2024 under Sections 406 and 420 IPC, 1860 and Section 24 of Emigration Act, 1983 registered at P.S. NRI, District SAS Nagar, Mohali.

2. Prosecution story, set up in the present case as per the version in the FIR reads as under :-

‘An order number 14303/ Nodel desk-5/NRI wing dated 27.05.2024 along with documents has been received from the office of Honourable additional director General Police NRI Wing Punjab, according to which one application No. UID2405926 dated 03.04.2024 from Varun Kapoor son of Surinder Kapoor president of house number 2574 sector 70 says Nagar Mohali was given to honourable additional Director Journal of police, NRI Punjab SAS Nagar Mohali. The contents of the same are as under, To Application against Karan Kapur son of Naranjan Das resident of House No. 1550, Phase 10



Mohali (Bottom Floor) regarding sending abroad and for cheating, defrauding, non- sending abroad and non- return of money. It is humbly requested that I am Varn Kapoor son of Surinder Kapoor resident of House No. 2574 Sector 70 Mohal and doing my business. That Karan Kapoor mentioned in the subject used to meet me and stated that I do the work of sending the persons abroad. As I am dealing with him, I talked to him about sending four of my relatives abroad, he said that it will cost Rs.20,000,00 per person and I gave him some advance amount of Rs.76 lakhs to prepare the documents. The amount was transferred in my account number 159041385754. He had promised that within 90 days-2 visas will be issued but 7-8 months have passed, whenever I call it, he linger on the matter on the one pretext of the other. That whenever I called him, instead of returning money or sending abroad did not give any satisfactory answer, rather threatening 20 me that neither I will send abroad nor will return money you can do, whatever you want to. That he threatens that even police cannot do anything as I have contacts with the higher police officials and threatens me that if you try to take any police action, you will have to face the dire consequences. Therefore, it is requested that appropriate action be taken against above mentioned Karan Kapoor for cheating me, threatening to kill me, and please get the amount refund I have paid. Thank you, Yours faithfully (Varun Kapoor letter Surinder Kapoor) Mumbai 95926-47946 Date: 2.4.2024 Mobile No. Karan Kapoor: 90413-85754.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has submitted that in compliance to the undertaking given before this Court vide order dated 07.01.2025 and as per the arrangements mentioned in order dated 09.12.2024 the balance amount of Rs. 5 lakhs is being paid to the respondent-complainant today in Court by way of demand draft No.



293736 (IndusInd Bank). Counsel for the petitioner further submits that the petitioner is ready to join the investigation and will duly co-operate and facilitate the furtherance of the investigation.

On behalf of the State and complainant

Learned State Counsel appearing on advance notice on instructions from Investigating officer and counsel for the complainant though vehemently opposes the prayer for grant of concession of anticipatory bail stating that the total amount is Rs. 31 lakhs which the petitioner has duped from the complainant.

4. **Analysis**

Be that as it may, after having given a thoughtful consideration to the submissions as made, by the counsel for both the parties and in view of the bonafide efforts made by the petitioner i.e. he has paid an amount of Rs. 10 lakhs to the complainant via two installments i.e. first on 07.01.2025 and second today i.e. 21.01.2025 by way of demand draft, moreover, the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period, hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail,

5. **Decision**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of



Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C. of BNSS of which are reproduced below :-

- (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 437, 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 one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

21.01.2025

anuradha

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No