



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

298 CRM-M-51956-2024
Date of decision: 19th February, 2025

Vansh Kumar Goyal ...Petitioner
Versus
State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Preetinder Singh Ahluwalia, Advocate for the petitioner.
Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.
Mr. F.S. Virk, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
209	25.08.2024	Tripuri, District Patiala	406, 420, 467, 468 and 471 of IPC

2. As per the prosecution case, the son of the complainant-Satpal Singh, was willing to settle in Canada. The accused Chetan Goyal, who was introduced to complainant by some common friend, represented to him that he along with his brother Vansh Goyal was involved in the business of sending people abroad and selling air tickets and that he was running an office in the name of Travel Hub at Patiala. On being so induced, the



complainant along with his son had met the present petitioner and the co-accused Chetan Goyal in their office, wherein the petitioner and co-accused had demanded a sum of Rs. 20,00,000/- for sending the son of the complainant to Canada on working permit visa. It was assured to the complainant that visa of his son would be issued by June, 2023. The petitioner and co-accused made the complainant part with a sum of Rs. 25,00,050/-. When the son of complainant went for his biometric, it was revealed that the documents provided by the petitioner and the co-accused were fake. The petitioner and co-accused failed to return the money given by the complainant or to send his son abroad. By alleging that they had caused wrongful loss to him with dishonest intention to deprive him of his money without having any intention to make arrangement for his son to go abroad, the complainant prayed for taking action. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail before the learned Additional Sessions Judge, Patiala, which was dismissed vide order dated 08.10.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. A detailed inquiry had been conducted by DSP, Traffic Patiala in the matter and it was reported that the allegations against the petitioner were false and the same stood substantiated only as against the co-accused Chetan Goyal. Infact, it was the co-accused, who was running business of sending students abroad on work VISA and sell air tickets. Neither the petitioner nor any other member of his family was involved in such business. The co-



accused Chetan Goyal was sole proprietor of Travel Hub. The petitioner is only a student. He has never induced the complainant to part with any money. The complainant himself is a serving police official and is close aid of some MLA in Punjab and by using his political clout, has got the FIR lodged as against the petitioner. He is ready to join the investigation. He has been extended benefit of pre-arrest bail in two other cases which have been registered on the same allegations. No recovery is to be effected from him. His custodial interrogation is not required. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by respondent-State. Learned Assistant Advocate General, Punjab, assisted by learned counsel for the complainant has argued that there are serious allegations against the petitioner. He is involved in three other cases of similar nature. His family members including the co-accused are involved in eight other cases. By conniving with the co-accused, he had deprived the complainant of huge amount of money. The recovery of the said money is to be effected from him. The co-accused Manoj is absconding. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner in connivance with the co-accused is alleged to have induced the complainant to part with a huge amount of money on the pretext of sending his son abroad. The petitioner has placed on record Annexure P-2, copy of Udyam registration certificate, showing that it was the co-accused- Chetan Goyal, who is sole proprietor of Travel Hub. As per



the status report also, a huge amount of money was credited in the bank account of co-accused Chetan Goyal and there was no transaction of any money between the bank account of the petitioner as well as the complainant. The petitioner has been extended benefit of pre-arrest bail in two other cases as registered against him. In view of the nature of the allegations, pre-trial incarceration of the petitioner is not required. His prayer for pre-arrest bail cannot be denied on the ground that recovery of the money of which the complainant had been duped of, is to be effected. Since, it is well settled proposition of law that the courts are not expected to act as recovery agents for realization of the dues of a complainant from the accused. Reference in this regard can be made to the observations made by the Hon'ble Supreme Court in '**Ramesh Kumar VS. State (NCT of Delhi) (2023) 7 SCC 461, St. George Dsouza Vs. State (NCT of Delhi), (2023) SCC OnLine SC 1940, Dilip Singh Vs. State of Madhya Pradesh and another, (2021) 2 SCC 779**'.

7. As such, without commenting on the merits of the case and in the circumstances peculiar to this case, the petitioner makes a case for release on pre-arrest bail. Accordingly, the petition is allowed and the petitioner is ordered to be extended benefit of anticipatory bail, subject to his surrender before the learned trial Court within a period of ten days from the date of passing of this order and on his surrender within that period, he shall be released on bail by the learned trial Court on furnishing bonds to its satisfaction and the following conditions:-

- (i) the petitioner shall cooperate with the investigation and shall appear before the investigating/arresting officer as and when



required.

(ii) he 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/her from disclosing such facts to the Court or to any Police Officer.

(iii) he shall not commit any similar offence while on bail.

(iv) that he shall not leave the country during the pendency of the trial.

8. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

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

[MANISHA BATRA]
JUDGE

19th February, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*