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4. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the complainant and his nephew wanted to go to Dubai on work permit and had asked the petitioner to get the *visa* and air tickets for this purpose. He contends that the petitioner had taken only Rs. 3.00 lakhs from the complainant and the allegations levelled in the FIR are wrong and incorrect to the fact that they were promised to be sent to Canada. He contends that due to monetary dispute between the complainant and the petitioner, he has been falsely implicated in this case. He contends that no recovery is to be effected from the petitioner, as such, prays for grant of anticipatory bail.

5. *Per contra*, learned State counsel assisted by learned counsel for the complainant, referring to the reply submitted by the State, has categorically opposed the grant of anticipatory bail to the petitioner by submitting that there are specific allegations supported with Bank transactions between the complainant and the petitioner and from the account of wife of Balbir Chand to the complainant to the effect that amount of more than Rs. 30.00 lakhs had been paid to him on the assurance given by the petitioner that they will be sent to Canada. They submit that there was no occasion for the complainant to have given Rs. 30.00 lakhs for going to Dubai only and this version has been concocted by the petitioner. They submit that custodial interrogation of the petitioner is required for which he is not entitled to concession of anticipatory bail.



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6. After considering the rival contentions and perusing the record, it is observed that instant FIR was registered on the application moved by the complainant Vazir Chand and Balbir Chand, to the effect that they had contacted one Ramesh Mehta, father of the petitioner, on coming to know that he had sent some persons to America via Dubai and for that he was paid Rs. 3.00 lakhs, besides, the petitioner had also given blank cheques as security to the complainant. It is alleged that an amount of Rs. 15.30 lakhs has been taken from the complainant through Bank transactions by the petitioner and his father besides taking Rs. 13.50 lakhs towards 1,80,000/- dollars. It is alleged that the complainant and his nephew were sent to Dubai on the assurance that after 25 days, they will be sent back to Canada and had taken the passport from them. Ultimately, after suffering through mental torture and harassment in Dubai, they were deported back to India.

7. Although, the petitioner has denied having taken any money from the complainant party but in the short reply filed by the State (*supra*), it is specifically mentioned that amount of Rs. 15,29,800/- was transferred by the complainant Vazir Chand to the account of the Firm run by the petitioner while on behalf of his nephew, the wife of his brother, Balbir Chand, had deposited Rs. 15.00 lakhs. It is also a case of the prosecution that the petitioner had supplied fake appointment letters to the complainant Prince. Learned counsel for the petitioner could not explain as to for what purpose this huge amount of Rs. 30.00 lakhs was taken by the petitioner which he



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has misappropriated. It is the case put forth by learned State Counsel that custodial interrogation of the petitioner is required regarding issuance of fake documents to the complainant party. Therefore, considering the nature and gravity of offence, no case is made out in favour of the petitioner for grant of anticipatory bail as his custodial interrogation is required in this case.

8. Consequently, finding no merits in this petition the same is dismissed.

9. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

27.01.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |