



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-348-2025 (O&M)
DECIDED ON: 09.01.2025

MANISH KUMAR @ MANISH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ramnish Puri, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.435, dated 25.12.2024, under Sections 316(2), 318(4), 336(3), 338 of BNS, 2023, registered at Police Station Civil Line Jind, District Jind.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“To, The Hon'ble Chief Minister, Haryana Government, Chandigarh. Subject: Complaint against Manish (mob. No. 9034264405) resident of House no. 407 sector 7, Jind (Haryana) for fraudulently grabbing my money, for using abusive language and threatening to kill when asked to return the given money, taking legal action, for registration of FIR and application for getting my and my son's passport and my money back. Respected Sir, it is

requested that I am Jaibir Singh Nehra son of Shri Dalip Singh resident of Vijay Nagar Jind (Haryana). That on one day I went to sector 8 Jind. There I met Mainpal Redu who was earlier known to me. We were talking together in the meantime Manish son of Ramesh Kumar presently residing in House no. 407 sector 7, Jind came there. He knew Mainpal. We got acquainted then Mainpal told Manish works in Visa and sends people abroad. I said my Son and I want to go abroad (Canada). Then Manish said he will send us to Canada within 45 days. We (me and my son) talked about our profiles. At that time Manish took contact numbers of me and my son. After 2-3 days Manish called on my son's phone and asked him that he wants to talk to me. He told me to come to the big park of Sector 8 and he was also going there, during this we will take a walk and discuss about your visas of both of you. After 2-3 days Manish called on phone and asked do you have passport then I said no but my son have passport. Then he said send me 6000 Rs. I will get your passport prepared instantly and to deposit 2000 Rs in Chandigarh office. On 23rd June 2024 I transferred 6000 Rs from my son's account to Manish accounts via Phone Pay. Then on 1 July 2024 I got phone call and he said I am applying your visa file of Canada and asked to send 50,000 Rs in my account. Then I transferred 49,000 Rs (39,500 and 9,500) from my son's account to Manish's account. On next day I got phone call from Manish and he said your file has been submitted and the work will be done and asked to arrange for more money. After that on dated 08th July 2024 I got phone call of Manish and he told me that tomorrow on 9th July 2024, you have your Biometric at Elante mall, Chandigarh. Come to Chandigarh I will meet you in the mall and gave 4000 Rs there, I have

already talked there. I paid 3950/- Rs in the account of Elante Mall, Chandigarh office via Phone Pay. After that on dated 15th Sept 2024 my son Ashish Nehra got phone call from Manish that your visas have come, arrange money and purchase some clothes and others. Soon I will book your tickets and after some time he sent visas on my son's phone via Whats app. After this we purchased goods of 75000- 80000 Rs from Chandigarh. After some days I got phone call from Manish and said give me Rs 5,00,000 I will book your ticket and give remaining money after reaching at Air Port. On very next day Manish came in our house and took 5,00,000 Rs from me in front of my wife. On dated 16th November 2024 I talked to Manish and he said I have your tickets, Visa, Passport and on dated 18th November 2024 you have Flight to Canada form Delhi International Airport and he said you meet me on 18th November 2024 at 02:00 Pm, and your flight is at Night. I have you Passport, Ticket, Visa and right now I am in Chandigarh. I will also come straight to Delhi from here. Then I told Manish to come to Jind, we will go to Delhi Together. We waited whole day and called him. He didn't picked the phone call. After 3-4 days Manish met me, the Visa which was given by Manish after checking it was found to be fake. After that I was told to Manish that all the document that you sent me are fake and duplicate and we got no Visa. You lied to me and I have been disgraced in the society and you have made me to do unnecessary purchases and the amount that you have taken from me I want that amount back. Then he started threatening me if you made complaint against me in the Police Station then nothing will happen because I have good contacts in Police Department. Later on he started using Abusive words and threatened to kill me and said that if you call me again I will kill

your family. Therefore, this is my humble request to you sir that legal action kindly be taken against above said person and FIR kindly be registered against the persons who committed fraud and My Passport, all the amount about 6,50,500 kindly be returned to me.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that even as per the allegations, the petitioner has only received an amount of Rs.43,000/- from the complainant on account of facilitating an application for issuance of passport and that amount was meant for the fee which was to be deposited with the passport issuing authorities. Even the said amount has been returned on 17.11.2024 by the petitioner to the complainant's son, as has been contended by Mr. Puri, learned counsel for the petitioner.

He would further assert that there is an inordinate delay of more than one month in lodging the instant FIR i.e. on 25.12.2024, even after return of Rs.43,000/- on 17.11.2024.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. B.S. Virk, Sr. DAG, Haryana and seeks dismissal of the instant petition submitting that certain documents and electronic gadgets used by the petitioner are to be recovered and on that account his custodial interrogation is required.

4. **Analysis**

Be that as it may, there is no denial to the fact even by the State that it is Rs.43,000/- which was alleged to have been paid by the

complainant to the petitioner, which stands returned and the same was collected for the purpose of the fee for issuance of passport along with cost of services promised to be rendered by the petitioner. The CCTV footage has also been placed on record at Annexure P-2 showing that the money is accepted by the complainant's son and *prima facie* the case is revolving around documentary evidence, if any, and the question of criminal breach of trust, cheating and forgery is to be decided by leading evidence before the trial Court, till then it cannot be assumed that offences are made out against the petitioner at this stage wherein nothing is to be recovered from the petitioner and as such custodial interrogation would be of no use to the mind of this Court.

As far as any documents or electronic gadgets, if any, are sought to be recovered by the prosecution/Investigating Agency, the same can be facilitated once the petitioner is made to join the investigation.

Mr. Puri, learned counsel for the petitioner undertakes to cooperate with the police authorities in case the protection of anticipatory bail is granted to the petitioner.

In view of the undertaking given on behalf of the petitioner and looking into the totality of facts and circumstances, allows the present petition.

5. **Decision**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by

the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(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 480, 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 a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

09.01.2025

Poonam Negi

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No