



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

143

CRM-M-15759-2025

DATE OF DECISION: 24.03.2025

MUNISH

...PETITIONER

Versus

STATE OF HARYANA ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Aman Redhu, Advocate for the petitioner(s).
Mr. B.S.Virk, Sr. DAG, Haryana.
Mr. Ankush Sihag, Advocate for the complainant.

SANDEEP MOUDGIL, J (ORAL)**1. Prayer**

This petition has been filed under Section 482 of the B.N.S.S, 2023 praying for grant for pre-arrest bail in FIR No. 108 dated 07.02.2025 (Annexure P-1) Under Sections 316(2), 318(4) of BNS and Section 24 of Emigration Act, 1983. Police Station: Sadar Hisar.

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

‘Sir, it is requested that 1, Akshay son of Mr. Subhash Chandra am a permanent resident of village Kharar district Hisar. For my career, I have hired travel agents as follows. 1. Deepak Malik resident of village Shamlon, district Jind, Haryana Mobile Number 76529-22142 Office address: D & The



Immigration, Old Yes Stand, Jind 2. Rajat Mor resident of Jind, Haryana Mobile Number 70825-99037 Office address: R & M Immigration, Punjabi Tadka Opposite Tulip Hotel, Safidon Road, Jind 3. Munish Sharma resident of village Petwar Tehsil Narnaund, district Hisar, Haryana Mobile Number: 83071-06961 Office address: R & M Immigration, Punjabi Tadka Opposite Tulip Hotel, Safidon Road, Jind I have hired travel agents as follows. I met the abovenamed agents to go to America on a work visa legally in June 2024. The agent demanded 35 lakhruppees for this work and told me that I will be sent to America legally from India by flight. The agent told me that I will first be sent legally from India to Dubai and then from Dubai directly to America with work visa by flight. But the agent sent me legally from India to Dubai on 18.07.2024 and kept me here for a one month. Then on 23.08.2024, he was sent from Dubai to Guinea and then from Guinea to Casablanca, from Casablanca to Amsterdam, from Amsterdam to Suriname through legal visa. After going there, the above three agents called my family on 23.08.2024 and demanded Rs 30 lakh from them and said that only after receiving the money, you will get a direct work visa from here and a flight to America after five days. My family gave Rs 30 lakh to the agent on 24.08.2024. But after the agent received the money, I was kept me in Suriname for 20 days. After this, my family asked the agent that we have given you Rs 30 lakh and why are you not sending Akshay to America even after 20 days. The agent told the family that Akshay has a flight to America after a day or two but he did not do anything like that and I asked the agent that I have given you money and I am not being sent to America. The agent replied that there is no free flight to go to America, you will have to go to America illegally. I and my family members told the agent to send Akshay to India and return the money, and we were not ready to go illegally. I had a heated argument with the agent on this and Then the agent handed me over to the Suriname mafia



and took both my phone and passport. Mafiya beat me for 3-4 days and on the agent's orders started making me travel to America illegally by bus, the request you to arrest the agent as soon as possible and get my 50 lakh rupees back. Your attention will be appreciated.'

3. **Contentions**

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. He submits that arrest of the co-accused namely Rajat @ Rajat Mor has been stayed by Co-ordinate Bench vide order dated 12.03.2025 (Annexure P-4), moreover, the matter has been settled between the parties vide compromise deed dated 04.03.2025 (Annexure P-3) and the petitioner has paid the whole amount to the tune of Rs. 18,00,000/- in dispute to the complainant.

Learned counsel for the petitioner undertakes that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer, therefore, prays for grant of anticipatory bail to the petitioner.

Notice of motion.

On behalf of the State and counsel for the complainant

Learned State Counsel appearing on advance notice on instructions from Investigating Officer submits that if the matter has been compromised between the parties, he has no objection if the anticipatory bail is granted to the petitioner.



Learned counsel for the complainant has not controverted the submissions made by counsel for the petitioner.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties to the effect that the matter has been compromised between the parties (Annexure P-3) and the petitioner has returned whole amount of Rs. 18,00,000/- to the complainant which fact has also not been controverted by counsel for the complainant. Hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein 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.

5. **Relief**

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 ten days 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 482(2) of BNSS of 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 ten days, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

24.03.2025
anuradha

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No