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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRM-M-4330-2025 (O&M)
Date of decision: 27.02.2025

Parveen Kumar**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Sanjeev Majra, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail in case bearing FIR No. 247 dated 22.07.2024, registered under Sections 406 and 420 of IPC and Section 24 of the Immigration Act at Police Station Israna, District Panipat.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on 22.07.2024 on the basis of a written complaint filed by complainant Aniket alleging therein that one Harpal, who was known to them, had told that if anyone wants to go to America, he knows Parveen (petitioner) and Renu, who can arrange Visa for the said purpose. Since the father of the complainant was interested to send him to America, a meeting was arranged with the petitioner and said Renu in the month of July 2023. The complainant party was told that it would cost an amount of Rs. 50 Lakhs to send the complainant to America. An amount of

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Rs. 30 Lakhs was agreed to be paid first by the complainant party to the accused persons, out of which, an amount of Rs. 19 Lakhs was paid to the petitioner and co-accused in cash and remaining amount of Rs. 11 Lakhs was transferred in the account of the petitioner. The complainant was told that he would be firstly sent to Dubai and from there, he would be sent to America. However, on reaching Dubai on 17.12.2023, his passport was snatched and he was made to work there. When he informed the same to the petitioner, he assured him that after some days, he would arrangements for his travel to America. However, nothing of that sort was done by the petitioner. When the complainant used to call to the petitioner, he used to say that he would have to work in Dubai only. After some time, since his visa had expired, he was sent back to India. Later on, the complainant came to know that the petitioner and co-accused were running fake business of sending people to America and they cheat innocent people on the pretext of sending them abroad. After registration of the FIR, investigation proceedings were initiated. The petitioner was arrested on 20.09.2024. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with co-accused is facing trial for commission of aforesaid mentioned offences. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 13.01.2025.

3. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that he has been falsely implicated in this case. There is unexplained delay in reporting the matter to

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the police. Initially, three persons were booked in the present case but two persons were found to be innocent and *challan* has been filed only against the petitioner. It is further argued that the petitioner has not received any amount of money either from the complainant or his family members. The ingredients for commission of the alleged offences are not made out at all. Even otherwise, investigation has since been completed and *challan* has been filed. Conclusion of trial is likely to take time. The petitioner is in custody since 20.09.2024. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed.

4. *Per contra*, learned State counsel has vehemently opposed the prayer of the petitioner by arguing that there are serious allegations against him. He has induced the complainant and his parents to part with huge amount of money on the pretext of sending the complainant to America, which was never done by him. The petitioner has received an amount of Rs. 11 Lakhs in his account from the parents of the complainant. He is involved in one more case of similar nature. The trial is going on at a proper pace. The complainant is yet to be examined. If the petitioner released on bail, he can abscond or indulge in similar offences or intimidate the prosecution witnesses. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record.

6. As per the allegations, the petitioner had induced the complainant and his parents to part with a huge amount of money on the pretext of sending the complainant to America. During investigation, it has been found that the

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petitioner had received an amount of Rs. 11 Lakhs in his account from the parents of the complainant. There are serious allegations against him. He is involved in cheating innocent persons on the pretext of sending them abroad. His criminal antecedents are not clean as he is shown to be involved in one more case of similar nature. The trial is going on and the complainant is yet to be examined. The apprehension expressed by learned State counsel that if released on bail, the petitioner can abscond or indulge in similar offences or intimidate the prosecution witnesses cannot be stated to be unfounded at this stage. Keeping in view the gravity of offences alleged to have been committed by the petitioner, his criminal antecedents, the fact that the complainant has not been examined so far, the quantum of sentence which the conviction may entail and the attendant facts and circumstances, this Court is of the considered view that the petitioner does not deserve to be given concession of regular bail, at this stage. Hence, the petition stands dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

27.02.2025

Wasem Ansari

(MANISHA BATRA)
JUDGE

*Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*