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

**CRM-M-44058-2024 (O&M)
Date of decision: 28.05.2025**

Anish Ahamad

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. P.S. Jammu, Advocate and
Mr. Nafeesh Ahmed, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

Mr. Mayank Gupta, Advocate
for the complainant.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') for grant of anticipatory bail in FIR No.169 dated 05.06.2024 under Sections 420 & 406 of the Indian Penal Code, 1860, registered at Police Station Munak, District Karnal.

2. Compactly, facts of the case are that FIR (*supra*) was registered on the basis of a complaint moved by complainant Phool Singh, on the allegations that his grandson, namely Vipin, wanted to go to Australia and Suresh, Rajesh



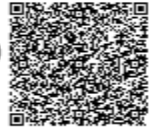
and Jitender met him in the month of May, 2023. Thereafter, Mahipal Sarpanch, Rajesh and Jitender introduced him to the petitioner and he assured him to send his grandson to Australia for a total deal of Rs.25.00 lakhs, out of which, he paid Rs.10,50,000/- in cash to the petitioner in the presence of Rajesh in the month of May-June, 2023, however, he was sent to Dubai. Further, his grandson was harassed and tortured and more amount of Rs.4.00 lakhs was demanded, which was deposited in the account of Jitender and after that, the said amount was transferred in the account of the petitioner. It is further stated that thereafter, the petitioner stopped picking up the phone and kept his grandson hungry, thirsty and physically, mentally and financially tortured him for about 04 months. The complainant contacted the petitioner several times, but he did not pick up the phone on every occasion and after some time, the petitioner stopped picking up the phone calls. Somehow, the complainant managed to get his grandson back to India after a period of 04 months. On being asked by the complainant to return the amount, the petitioner issued cheques by entering wrong name and after that, clearly refused to return the amount and even threatened to implicate him in a false case. When the complainant had a talk with Mahipal Sarpanch, Rajesh and Jitender about the fraud committed by the petitioner, they suggested to register an FIR against him. Hence, the FIR (*supra*).

3. Learned counsel for the petitioner, *inter alia*, contends that the petitioner has been falsely implicated in the present case. The grandson of the complainant was sent to Dubai on work permit and as such, he joined the duty



there on 28.09.2003, as discernible from ID Card issued by United Arab Emirates, Federal Authority for Identity and Citizenship, Customs and Port Security (Annexure P-4). However, after about 01 month, grandson of the complainant came back to India and thereafter, never went to Dubai. For a period of about 04 months of return to India of his grandson, the complainant remained silent. Further, the petitioner served a legal notice (Annexure P-6) upon grandson of the complainant asking him to join the duty in Dubai and only thereafter, FIR (*supra*) was registered. It is further contended that there was no agreement between the petitioner and the complainant to send grandson of the complainant to Australia. Moreover, a compromise was effected between the parties on 14.03.2024 and the petitioner issued two cheques amounting to Rs.10.50 lakhs to the complainant. As such, the petitioner is entitled to anticipatory bail.

4. *Per contra*, learned State counsel, assisted by learned counsel for the complainant, opposes the prayer for grant of anticipatory bail to the petitioner on the ground that the petitioner duped the complainant of an amount of Rs.14.50 lakhs on the pretext of sending his grandson to Australia, whereas he was sent to Dubai. Thereafter, on asking of the complainant to return the amount, the petitioner gave two cheques, which, on presentation, were dishonoured and in this regard, a criminal complaint under Section 138 of Negotiable Instruments Act, 1881 has been filed against the petitioner. As such, custodial interrogation of the petitioner is required to conduct proper and fair investigation.



5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that on the pretext of sending grandson of the complainant to Australia, he was sent to Dubai and as such, the complainant was duped of heavy amount. Further, advantage of desire of common man to earn his livelihood abroad is being taken by such fraudsters and human trafficking through illegal means is on the rise. As such, custodial interrogation of the petitioner is imperative to unearth the racket of illegal travel agents in sending innocent people abroad and also to take the investigation to its logical end.

6. Keeping in view the facts and circumstances of the case and considering the antecedents of the petitioner, this Court finds no ground to grant him the concession of anticipatory bail. Accordingly, present petition is dismissed.

7. However, nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and learned trial Court shall decide the case on its own merits without being prejudiced by the observations of this Court.

28.05.2025

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**[HARPREET SINGH BRAR]
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No