



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

201

CRM-M-1770-2025
Date of decision: 01.05.2025

VAIBHAV SHARMA

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Divyadeep Walia, Advocate
for the petitioner.

Mr. Pawan Kumar Jhanda, DAG, Haryana.

Ms. Simran, Advocate for
Mr. Sandeep Saini, Advocate for the complainant.

SANJAY VASHISTH. J.(Oral)

1. Present petition has been filed by the petitioner, for grant of anticipatory bail, in case bearing FIR No.233, dated 25.09.2024, under Sections 406, 420, 506 IPC, and Sections 10 and 24 of the Immigration Act, registered at Police Station City Thanesar, District Kurukshetra.

2. On 15.01.2025, following order was passed:-

“1. Present petition has been filed by the petitioner, for grant of anticipatory bail, in case bearing FIR No.233, dated 25.09.2024, under Sections 406, 420, 506 IPC, and Sections 10 and 24 of the Immigration Act, registered at Police Station City Thanesar, District Kurukshetra.

2. Counsel for the petitioner contends that the allegation in FIR is that when the petitioner was 19 years of age, and by getting an amount of Rs.16 lacs, wife of the complainant Jitender Singh was sent to Australia on tourist visa. It is not under dispute that wife of the complainant namely Ruchi reached Australia in the year 2019 itself. However, promise was of sending her on work visa, but she was sent to Australia on tourist visa, who



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stayed there, uptill December, 2023, and then returned back to India.

3. Counsel for the petitioner further submits that had there been any truth in the allegations, just on coming back to India in December, 2023 itself or immediately thereafter, complaint could be moved to the concerned authority or even the police, but it is after a period of 10 months that the present concocted version has been presented to the police, resulting into lodging of present FIR. During the period of 4 years, when she (Ruchi) was in Australia, never any complaint is addressed by her to her husband (complainant – Jitender Singh), or to any other person. Whatever is being alleged now by way of FIR, would be the subject matter of trial, which requires to be proved by way of leading the evidence.

4. Counsel for the petitioner also submits that as of now, there is no corroborative evidence with the complainant to prove the allegations.

5. Further argues that no such agreement was ever executed between the petitioner and the complainant for sending the complainant's wife Ruchi to Australia on work visa.

6. While referring to the order dated 28.11.2024, passed in CRMM-4314-2024, counsel for the petitioner submits that in the said petition, which was filed by one accused Harpreet Singh, similar allegations were levelled, but there, stand of the State police is that complainant is also facing one complaint for sending someone abroad, which was later on compromised.

7. Broadly, counsel for the petitioner contends that the registration of the FIR at the hands of the victim's husband, who himself is involved in the activities of sending the people abroad, is for some extraneous reasons.

8. Notice of motion.

9. On advance notice, Mr. Kanwar Sanjiv Kumar, AAG, Haryana, puts an appearance on behalf of the respondent/State, and Mr. Sandeep Saini, Advocate, puts in appearance on behalf of the complainant, and files his power of attorney in Court today, which is taken on record, and jointly pray for grant of some time to file their respective stand in response to the contentions addressed by counsel for the petitioner, today before this Court.

10. List again on 17.03.2025.

11. In the meanwhile, the petitioner is directed to join the



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investigation as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the conditions laid down under Section 482(2) of the BNSS, 2023.

12. Besides, petitioner would submit/surrender his passport before the Arresting Officer and an undertaking on oath that in case of leaving the country, he would seek prior permission from the Investigating Agency/concerned Court.”

3. Learned counsel for the petitioner contends that in compliance of the order dated 15.01.2025, passed by this Court, the petitioner has joined the investigation and the original passport has already been handed over to the Investigating Officer, therefore, he prays for confirmation of the order dated 15.01.2025.

4. Learned State counsel on instructions from the Investigating Officer confirms the said averment that though the petitioner has joined the investigation and has handed over the passport but the amount of Rs.16 lacs is yet to be recovered.

5. Learned counsel appearing for the complainant submits that the complainant is ready to settle the issue with the petitioner.

6. Heard learned counsel for the parties and also examined the record.

7. None of the respondent's counsel has responded back to the submissions of the petitioner recorded in the order dated 15.01.2025.

8. Moreover, it is admitted position that petitioner has already joined the investigation and has handed over the original passport and the allegations in the FIR was got lodged after a considerable period, authenticity of the allegations are yet to be ascertained during the course of trial, therefore, the prayer made by the



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petitioner in the instant petition for grant of anticipatory bail seems to be justifiable. Accordingly, present petition is allowed and ad-interim order dated 15.01.2025, passed by this Court is hereby made absolute.

9. However, petitioner shall continue to join the investigation as and when required to do so and abide by all the terms and conditions laid down under Section 482(2) of BNSS, 2023.

10. Accordingly, petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

01.05.2025
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No