



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

220

CRM-M-63471-2024

Date of decision: 16.01.2025

Daniel Benjamin

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kushagra Mahajan, Advocate for the petitioner.
Mr. J.S. Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

Prayer in the instant petition filed under Section 482 of BNSS is for grant of anticipatory bail in case FIR No.2 dated 08.01.2023 under Section 420 IPC registered at P.S Ranjit Avenue, District Amritsar.

Vide order dated 18.12.2024, this Court while issuing notice stayed the arrest of the petitioner till the next date of hearing i.e 16.01.2025.

Today, a status report filed by way of affidavit of Arvind Meena, IPS Assistant Commissioner of Police, North, Amritsar has been filed in Court is taken on record. A copy of the same has been furnished to learned counsel representing the petitioner.

Learned State counsel would refer to para 4 to 10 of the status report, which read as under:

“That as per the report submitted by SHO PS Ranjit Avenue, Amritsar, registration of the present case having FIR No. 02 dated 08.01.2023 is a consequence of thorough preliminary enquiry conducted by Station House Officer (S.H.O), Police Station (P.S.) Ranjit Avenue, Amritsar qua



the representation bearing No. 1057/COP dated 29.07.2022 given in the office of the Commissioner of Police, Amritsar by the Complainant Dara Singh S/o Gurmukh Singh. During enquiry, notices were issued the petitioner Daniel Benjamin for joining the enquiry but he was not found present at home; hence statement of his mother Kinal Joilly was recorded in this respect. Based on the enquiry conducted, it revealed that the children of the complainant Dara Singh live in Canada; hence the complainant used to get his air ticket booked from the present petitioner Daniel Benjamin. The petitioner Daniel Benjamin used to collect money from house the complainant and used to deliver tickets at his house. The complainant Dara Singh was to go to his wife and children to Canada on 13.05.2022; hence as per his earlier routine, he contacted the present petitioner Daniel Benjamin on his mobbile phone and told the petitioner to get his air tickets booked for going to Canada on 13.09.2022 with return journey from Canada to Delhi. Thereupon, the present petitioner Daniel Benjamin had gone to the house of the complainant on 13.05.2022 and demanded Rs. 2.10 lakhs as fair prices. The complainant having belief on the petitioner, had given his credit card which is in the name of his son Simranjit Singh, to the petitioner Daniel Benjamin. The petitioner Daniel Benjamin transferred Rs. 63882/- in his some account and on 14.05.2022, the petitioner Daniel Benjamin again came to the complainant and got transferred (via RTGS) Rs. 1,46,000/- through cheque no. 4 of his account no. 06951000011601 of Punjab and Sind Bank, branch Ranjit Avenue, Amritsar in his (petitioner) account no. 78360100009481 in Bank of Baroda. Thereafter, on 14.05.2022, the present petitioner Daniel Benjamin had given air tickets dated 13.09.2022 from Delhi to Edmonton (Canada) and dated 10.12.2022 from Edmonton (Canada) to Delhi and had also sent the same tickets from his WhatsApp No. 9779876660 from his own WhatsApp No. 9815632722. The complainant Dara Singh had sent his tickets to his children in Canada, who had doubt thereon being fake. Therefore, the Complainant Dara Singh got these tickets checked and both these tickets were found to be fake. Thereafter, the Complainant Dara Singh contacted the present petitioner Daniel Benjamin who told him that he would get him genuine tickets booked or would return his amount but the Petitioner Daniel Benjamin got not booked genuine tickets nor did he return the amount to the complainant Dara Singh. In addition to this, the petitioner Daniel Benjamin did not join the enquiry. The mother of the petitioner



Daniel Benjamin stated that she has disinherited her son i.e. petitioner Daniel Benjamin on 18/10/2022. Her son Daniel Benjamin indulges in the work of travel agent secretly without having any office or license thereof. He prepares tickets of 'Make My Trip' company and lives at some undisclosed place. As such, the enquiry officer reached to the conclusion that the present petitioner Daniel Benjamin has defrauded the Complainant Dara Singh of Rs. 2,09,882/-. Therefore, the enquiry officer recommended for registration of an FIR against the present petitioner Daniel Benjamin. Consequently, the present FIR No. 02 dated 08.01.2023, under Section 420 IPC, Police Station Ranjit Avenue, Amritsar has been registered against the present petitioner Daniel Benjamin.

5. That it is submitted that during the course of investigation of the present case FIR No. 02 dated 08.01.2023, the investigating officer recorded statements of the witnesses under Section 161 Cr.P.C in corroboration of the allegations levelled in the present FIR against the present petitioner Daniel Benjamin.

6. That it is submitted that during the course of investigation of the present case FIR No. 02 dated 08.01.2023, the investigating officer issued notices under Section 41 (1) Cr.P.C. to the present petitioner Daniel Benjamin for joining the investigation but the same could not be served upon him as he is not residing at the given address i.e. house no. 1427, street no. 10, Jagdambey Colony, Majitha Road, Amritsar, as stated by his mother.

7. That it is submitted that as the present petitioner Daniel Benjamin was absconding and his present whereabouts were not traceable; hence warrant of arrest against the present petitioner Daniel Benjamin was issued for 10.01.2025 by the Court of learned Chief Judicial Magistrate, Amritsar and efforts were made to arrest the present petitioner Daniel Benjamin but he could not be traced and arrested.

8. That it is submitted that during the course of investigation of the present case FIR No. 02 dated 08.01.2023, in pursuance to the order dated 18.12.2024 passed in the present petition by this Hon'ble Court, the present petitioner joined the investigation on 08.01.2025. During investigation, the petitioner Daniel Benjamin disclosed that he is currently living on rent at house no. 559, Kundanpur, Civil Lines, Ludhiana. The present petitioner Daniel Benjamin made a voluntary disclosure statement before the investigating officer that he had prepared



forged online air tickets from his computer which were given to the complainant Dara Singh and in lieu thereof he (petitioner) had received Rs. 1,60,000/- in his account of Bank of Baroda. However, the petitioner Daniel Benjamin neither handed over the computer used in commission of crime nor has got recovered the amount taken from the complainant Dara Singh. The offence under Section 465/468/471 IPC has been added in the present case FIR No. 02 dated 08.01.2023 vide GD No 43 dated 10.01.2025. The present case FIR No. 02 dated 08.01.2023 is under investigation. The disclosure memo of the petitioner Daniel Benjamin is annexed herewith as Annexure R-1/T for kind perusal of this Hon'ble Court.”

There are serious allegations against the petitioner of having duped the complainant of Rs.2,09,882/- on the pretext of providing air tickets for Canada but the same were found to be fake by the complainant. This very fact has emerged during the course of investigation that the petitioner was found guilty of preparing forged online air ticket from his computer which is yet to be recovered. Another aspect to be borne in mind while considering the instant petition is the amount of Rs.1,60,000, which was credited in the bank account of the petitioner by the complainant Dara Singh, which has also not been recovered so far. Disclosure statement of the petitioner, which is annexed as Annexure R-1/T reads as under:

“In the presence of the below mentioned witnesses, during interrogation, the accused Daniel Benjamin S/o Prince Benjamin R/o above made disclosure that I had started selling air tickets since the year 2019. I have given air tickets many a times to the complainant Dara Singh by preparing online on my computer and the tickets which you are showing me, I had prepared those tickets online in my computer and have given to Dara Singh. I had taken about Rs.1 lakh 60 thousands from him through Bank of Baroda, Kennedy Avenue. These fake tickets were prepared online in my computer by me. The disclosure memo of the accused is prepared accordingly. I endorsed my signature on the memo and witnesses endorsed their respective evidence.”



Having heard learned counsel for the parties and after perusing the status report as well as other material placed on record by the State, I am of the considered opinion that such kind of well organized crime needs to be dealt with iron hand at the first instance wherein innocent people are being duped. Such agents allure the victims to invest huge amount on the pretext of sending them abroad while making them dream of glamorous life. The complete *modus operendi* and the nexus of the petitioner for commissioning of said crime by using electronic gadgets for preparing the fake online tickets needs to be unearthed that can be done only by custodial interrogation.

More so, investigation is still going on in the present case. It is settled proposition of law that power exercisable under Section 482 of BNS., is somewhat extraordinary in character and it is to be exercised in exceptional cases. The Supreme Court in “**State vs. Anil Sharma**”; (1997) 7 SCC 187, held as under:-

“We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconded with a favourable order under Section 438 of the code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also material which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods needs not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”



In view of the seriousness of the allegations as also the need to take the investigation to its logical conclusion, the custodial interrogation of the petitioner is certainly required.

Therefore, I find no merit in the instant petition, hence, the same is hereby dismissed.

(SANDEEP MOUDGIL)
JUDGE

16.01.2025
manoj

1. Whether speaking/ reasoned : Yes /No
2. Whether reportable : Yes /No