



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-26656-2024  
DECIDED ON: 29.04.2025

VIJAY PAL MAAN

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Pardeep Panwar, Advocate  
for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Mr. Pawan Singh, Advocate  
for the complainant.

**SANDEEP MOUDGIL, J (ORAL)**

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 191 dated 27.03.2024 under Sections 406, 420 of IPC registered at Police Station Samalkha, District Panipat.

2. **Facts**

Prosecution story setup in the present case as per the version in the FIR as under:-

*“To the Chowki Incharge Hathwala, District Panipat. Subject;- complaint regarding taking action against those who commit fraud in the name of sending the abroad. Sir, it is a request that I, Gaurav son of Late. Dilawar. resident of village Atta district, Panipat. Surendra son of Dariya and Bijendra alias Pappu son of Dariya of*

*my village. With whom we have good acquaintance and attend marriages and weddings. It's like a chore. For this reason, I and my cousin brother Sandeep alias Maggu son of Mahabir also have good acquaintanceship and acquaintance with Surendra's son Ajay and Surendra's younger brother Bijendra @ Pappu's son Kulwant. Surendra's elder brother Ramehar's son Vikash has gone to another country, New Zealand, and Surendra's younger brother Jagbir's son Pankaj has gone to another country, Mauritius. Ajay son of Surendra, Kulwant son of Bijendra and me and my cousin Sandeep alias Maggu were told that Vijaypal Dimpy resident of Ghoghadipur district, Karnal, is the son of our real aunt Aumi and he sends boys abroad. Vikash and Pankaj have also been sent abroad by our aunt's son Vijaypal. The responsibility of money will be ours. Because whatever boys we send out from Vikash, we also get our share in the money that goes to Vijaypal. If we are not confident in what we say, then we get our father to give us guarantee for sending money abroad, then we cannot do this work without the consent of the parents because the money has to be taken from the parents only with their consent. When I and my cousin Sandeep alias Maggu brought this matter home, my family members said that we do not have much knowledge, your uncle is Dilbag and he does the work inside and out. Go and talk to him, if Dilbag says so then we are ready to give the money. I and my brother Sandeep had a passion to go and study and live abroad. I and Sandeep told my uncle Dilbag Sarpanch about this that we have to go abroad and Ajay and Kulwant's aunt's son Vijaypal, resident of Ghoghadipur, sends the boys out. You have to go to Ajay his father Surendra, Kulwant and his father Bijendra @ Pappu and talk to them about sending them abroad and guaranteeing the money. We have to talk about getting the work done on number one basis so that no wrongdoing happens. On this my uncle Dilbag agreed with us and brought us to Surendra's house. Where all found at home. Where I met Surendra, I talked to him about sending his children abroad, Surendra called his son Ajay his younger brother Bijendra @ Pappu, Pappu's son Kulwant, everyone said brother, the clear thing is that Vijaypal is our man. And we also get commission for all the boys who we get paid to brother or our son Vijaypal on our responsibility. You get the*

money, the responsibility of the money is ours, we and our children will also get some benefit. We will tell Vijaypal about you being the man of the house. On date 24.08.2021, he called Vijaypal resident of Ghoghadipur to his home. As per the instructions of these four, first I gave a check of Rs 2 lakh to my brother Sandeep @ Maggu in the year 2021 to Vijaypal resident of Ghoghadipur in front of these four. After about 4 months, again Ajay his father Surendra, Kulwant and his father Bijendra started saying that we have received a call from Vijaypal, he is saying that take 3 lakh more rupees from him, the work will go on a little faster and 3 lakh more will be given to Vijaypal. Gaurav gave it to Kulwant from his house and said that he will open his account in the bank. As per his advice, on 29.08.2021, we opened joint account no. 50100456866259 of me and my younger brother Saurav in HDFC Bank Samalkha. One or two days after the account was opened, Vijaypal took the ATM of both our brothers and withdrew Rs 2 lakh 67 thousand 125 from our account, Vijaypal told me that your fee of Rs 2 lakh 67 thousand and Rs 125 has been deducted. To show off, Surendra, the above four called Vijaypal to our village, came in front of our house, burst firecrackers and said that Gaurav's Canada visa has been approved. On January 1, 2022, Vijaypal sent a false Canadian visa from his mobile number 8395968000 to my mobile number 9053481362. Whose photo copy is with the application. On date 28.11.2022, Vijaypal said to give another Rs 7 lakh, then my brother Saurav gave Rs 2 lakh in cash from our house and Vijaypal's i20 in vehicle No. HR-31N-1298, I, Bijendra Boys Kulwant, Sachin of my village and Vijaypal resident of Ghoghadipur went to the house of my maternal uncle Rajesh son of Ramkishan in village Gadhi Siwah. Got Rs 5 lakh cash from home for Vijaypal from my uncle Rajesh. There are witnesses about getting Rs 5 lakh and if there is any record regarding the money from my uncle, it will be presented. Vijaypal neither told me And neither sent my cousin Sandeep Maggu abroad nor returned our money. After that, when my uncle Dilbag Sarpanch, Sachin's grandmother Prabhi of my village went to Bijendra@Pappu's house to take back the money, Bijendra sent his elder brother Surendra to Ghoghadipur to settle his money. My uncle Dilbag, Sachin son of Raja of my village, Sachin's grandmother

*Prabhi, Dayanand son of Manga of our village, Ramkishan son of Tek Chand Ghoghadipur went to Vijaypal's house in village Ghoghadipu Karnal. There Vijaypal said that he will return some of your money in a month. After that, Vijaypal @ Dimpny resident of Ghoghadipur gave two separate checks of Rs 10 lakh each to my uncle Dilbag in lieu of giving the money. In which one check was for the money of Sachin of my village and the other check number 485946 was filled in my name on State Bank of India account number 31702948538. After about two months, my uncle Dilbag, Ajit son of Chatar Singh, Ramesh son of Dharam Singh, Ramkishan son of Tekchand, Krishna son of Ishra, Krishna son of Kundan, Bhim Singh son of Laxman, Hawa Singh son of Maidhan, Sachin son of Raj Singh took him to village Ghoghadipur Panchayat. Vijaypal said in the Bhari Panchayat that I do not have all the money, some money is with Bijendra, Surendra, Ajay and Kulwant as their commission. I will come to the village in a day or two and get the money. After two-four days, Vijaypal resident came to Ghoghadipur and gathered his maternal uncle Bijendra, Surendra and his maternal uncle's sons Ajay and Kulwant and said that out of their money which you have as commission, you should give it to them, it is not their business. If it was possible, Bijendra, Surendra mentioned above and their sons Ajay and Kulwant etc. asked for a week and ten days to give our money. At last Bijendra, Surendra and their sons said that Bijendra and Jagbir's daughters have to get married in March. Our nephew Vijaypal will come to the wedding. Whatever money you have with her, let us get her married and the commission money that we have kept from your money, settle the accounts with Vijaypal on 04.03.2024 after the marriage of our brother Jagbir's lucky ones with Bijendra. Till date they have neither returned our money nor sent me and my brother Sandeep @ Maggu abroad. Which Surendra, his son Ajay, Surendra's brother Bijendra @ Pappu and his son Kulwant have conspired with their relative Vijaypal resident of Ghoghadipur and cheated us with a total of Rs 14,67.125 in the name of sending our money abroad. Therefore, it is requested that after investigating our complaint, strict legal action should be taken against the above mentioned.”*

3. **Contention**

**On behalf of the petitioner**

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. In fact, the petitioner had given a complaint against the complainant with regard to snatching of his car but thereafter, the police failed to take any action against the complainant and his accomplices. It has been further contended that not even a single penny has been transferred in the account of the petitioner. In fact the whole amount was transferred in the account of the neighbours namely Surender and Bijender, of the petitioner. The present case has been registered against the petitioner just to humiliate and harass him.

**On behalf of the respondent-State**

Learned State Counsel appearing on advance notice, does not controvert the aforesaid fact but opposed the grant of anticipatory bail to the petitioner on the ground that the petitioner has been specifically named as accused in the present FIR and the role attributed to the present petitioner is that he duped a sum of Rs.14,67,125/- from the complainant and his cousin brother Sandeep @ Maggu on the pretext of sending them abroad. The petitioner has also sent a forged visa approval to the complainant.

4. **Analysis**

The allegation against the petitioner is serious in nature as he duped an amount of Rs.14,67,125/- from the complainant and his cousin brother Sandeep @ Maggu on the pretext of sending them abroad and the petitioner has neither refund the said amount nor has sent them to abroad. In fact, he had sent a forged visa approval to the complainant, which is sufficient for this Court to infer that the petitioner has defrauded the

complainant. Such an allegation is certainly required adequate and intense investigation to unearth the truth. Moreover, nowadays such type of offences are on the rise in the society causing unnecessary harassment and humiliation to the innocent persons for not fault on their part. The mere contention that the petitioner is ready and willing to join the investigation does not vest a right for grant him anticipatory bail because an element of cheating is involved in it. The case made out against the petitioner is certainly a relevant ground for denial of anticipatory bail in the case in hand.

Considering the fact that the allegation against the petitioner is of serious nature wherein he has indulged himself in the immigration fraud which is on high rise these days and these travel agents are taking undue advantage of the unemployed youth/innocent persons by duping them of lakhs of rupees by showing them the dreams of settling in the foreign country. Further more the petitioner has been specifically named as an accused in the present FIR wherein direct allegations are levelled against him. Therefore, its a high time that this kind of practice needs to be curbed wherein these travel agents on the pretext of sending the innocent people abroad dupes them of lakhs of rupees.

More so, investigation is still going on in the present case. It is settled proposition of law that power exercisable under Section 438 Cr.P.C. (now Section 483 of BNSS, 2023) is somewhat extraordinary in character and it is to be exercised in xceptional 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.”*

5. **Conclusion**

Keeping in view the afore-said facts and circumstances and nature of averments, the petitioner does not deserve the concession of anticipatory bail.

Hence, the present petition is hereby, dismissed.

(SANDEEP MOUDGIL)  
JUDGE

29.04.2025  
sham

*Whether speaking/reasoned*  
*Whether reportable*

*Yes/No*  
*Yes/No*