

CRM-M-41435-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41435-2024
Reserved on: 06.11.2024
Pronounced on: 20.11.2024

Hardeep Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. M.K. Dogra, Advocate
for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
115	03.10.2023	Phase-II, District SAS Nagar Mohali	406, 420, 465, 467, 468, 471, 120-B, 201 IPC and 24/25 of Immigration Act

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 12 of the bail petition, the accused declares that he has no criminal antecedents, however as per para 7 of the reply, petitioner has 14 other pending cases, which are as under:-

Sr. No.	FIR No.	Dated	Police Station	Sections
1	76	27.06.2023	Phase-11, SAS Nagar	406, 420, 465, 468, 471, 120B IPC and 24/25 of Immigration Act
2	78	30.06.2023	Phase-11, SAS Nagar	406, 420, 465, 468, 471, 120-B IPC and 24/25 of Immigration Act
3	79	30.06.2023	Phase-11, SAS Nagar	406, 420, 465, 468, 471, 120-B IPC and 24/25 of Immigration Act
4	89	25.07.2023	Phase-11, SAS	406, 420, 465, 468, 471,

CRM-M-41435-2024

			Nagar	120-B IPC and 24/25 of Immigration Act
5	90	26.07.2023	Phase-11, SAS Nagar	406, 420, 465, 468, 471, 120-B IPC and 24/25 of Immigration Act
6	104	08.09.2023	Phase-11, SAS Nagar	7
7	105	08.09.2023	Phase-11, SAS Nagar	406, 420, 465, 468, 471, 120-B IPC and 24/25 of Immigration Act
8	111	26.09.2023	Phase-11, SAS Nagar	406, 420, 465, 468, 471, 120-B IPC and 24/25 of Immigration Act
9	118	09.10.2023	Phase-11, SAS Nagar	406, 420, 465, 468, 471, 120-B IPC and 24/25 of Immigration Act
10	134	29.11.2023	Phase-11, SAS Nagar	406, 420, 465, 468, 471, 120-B IPC and 24/25 of Immigration Act
11	135	29.11.2023	Phase-11, SAS Nagar	406, 420, 465, 468, 471, 120-B IPC and 24/25 of Immigration Act
12	137	01.12.2023	Phase-11, SAS Nagar	406, 420, 465, 468, 471, 120-B IPC and 24/25 of Immigration Act
13	138	01.12.2023	Phase-11, SAS Nagar	406, 420, 465, 468, 471, 120-B IPC and 24/25 of Immigration Act
14	08	01.02.2024	Phase-11, SAS Nagar	406, 420, 465, 468, 471, 120-B IPC and 24/25 of Immigration Act

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“1. That at the very outset, it is respectfully submitted that the present FIR has been registered on the statement of the complainant Pawan Kumar in which he broadly stated that his daughter wanted to go to Canada on student visa. He saw an advertisement in a media regarding English Guru office, who are involved in the business of finance and sending people abroad. The complainant called in the office of English Guru and talked to a person namely Gurpreet Singh. The aforesaid Gurpreet Singh told the complainant to visit their office at English Guru, Second floor, S.C.F. No.

31, Phase-10, District SAS Nagar. In June 2022, the complainant along with his daughter Tamanna went to office of English Guru, where they met Gurpreet Singh (owner of the company), Hardeep Singh, Dilpreet Singh and Gurjinder Singh Bath in the office of English Guru. They assured the complainant of sending his daughter Tamanna to Canada on study visa and demanded Rs. 12 lakhs for the task. The complainant told them to arrange Student visa for his daughter in January 2023. On which, they asked the complainant to deposit Rs. 20,000/- to initiate the file process and gave Rs. 4,50,000/- for depositing fees in the college. On their asking, the complainant handed over cheque no. 087819 for Rs. 4,70,000/- from his SBI Bank account no. 2168754180, to Dilpreet Singh for college fee of his daughter Tamanna and the same was handed over in front of all the abovementioned persons. Then the aforesaid persons called them to their office and told the complainant party that they would get study visa for the complainant's daughter Tamanna very soon and told the complainant to enquire about it in 2-3 months. After 2-3 months, when the complainant party went to their office, where Gurpreet Singh 2024 (owner of the company), Hardeep Singh and Dilpreet Singh met them. Gurpreet Singh started dilly delaying the matter and Dilpreet Singh and Hardeep Singh said that they would arrange the visa for his daughter Tamanna and whenever they would arrange it, they would call the complainant. When they did not call the complainant party even after long time, the complainant visited their office but in vain. Then, the complainant asked the owner of the company Gurpreet Singh, Dilpreet Singh, Hardeep Singh and Gurinder Singh Bath to return their money, however they refused to return the money. Gurpreet Singh (owner of the company), Hardeep Singh, Dilpreet Singh and Gurinder Singh Bath had neither returned the money nor had sent the complainant's daughter Tamanna to Canada on study visa. Hence, the complainant sought legal action against Gurpreet Singh, Hardeep Singh, Dilpreet Singh and Gurinder Singh Bath for cheating the complainant for Rs. 4,70,000/- on the pretext of sending his daughter abroad. The complainant further stated that he had come to know that the aforesaid persons had also cheated Gurpreet Kaur of Rs. 13,06,060/- and Jaspreet Singh of Rs. 6,50,000/- by alluring to send their children to Canada on study visa. Thus, the aforesaid persons duped the complainant along with Gurpreet Kaur and Jaspreet Singh for total amount of Rs. 24,26,060/-. Hence, the complainant sought legal action against them.

2. That another victim namely Gurpreet Kaur also got recorded her statements, in which she broadly stated that when she went to the office of Global Education Company, SCO No. 31, Phase-10, SAS Nagar, she met Gurpreet Singh, Hardeep Singh, Gurinder Singh Bath and they assured her to that they would send her son Yashraj Singh Shahi broad. The aforesaid accused asked her to deposit Rs. 10,000/- with them in order to arrange an offer letter for her son, which she paid through GPay on 04.08.2022. After some time, when they went to the office of the aforesaid company, then Gurpreet Singh (owner of the aforesaid company) gave offer letter to her for her son Yashraj Singh Shahi and told her to deposit Rs. 9,75,000/- with them. On which, she gave a cheque no. 000042 amounting to Rs. 9,75,000/- from her husband's HDFC bank account no. 04341000047658, which they got encased on 19.08.2022. Thereafter, the petitioner/accused Hardeep Singh demanded Rs. 6,35,000/- from her for

CRM-M-41435-2024

GIC Fees, on which she handed over cheque no. 000043 amounting to Rs. 6,35,000/- from her husband's HDFC bank account no. 04341000047658, which they got encased on 08.09.2022. However, later on when the accused persons changed the name of their immigration company from Global Education Company to M/s English Guru Finance & Education Services, she got suspicious. Later on, on enquiry, she came to know that offer letter which was given on her son's name by the accused persons was fake. The victim Gurpreet Kaur further stated that the accused persons had neither sent her son abroad nor had returned her money, hence sought legal action against them. The fake offer letter which was handed over to Gurpreet Kaur is annexed herewith as Annexure R-1."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

"6. That it is humbly submitted here that after completing the investigation in the present FIR, the Final report under 173 of Cr.P.C. has been presented against the accused Hardeep Singh/the petitioner, Gurpreet Singh and Gurinder Singh Bath before the Id. Court of competent jurisdiction on 29.02.2024. However, the accused Dilpreet Singh is yet to be arrested and efforts are being made to arrest him. It is further relevant to mention here that the Id. Trial Court has framed the charges against Gurpreet Singh, Hardeep Singh and Gurinder Singh Bath on 27.05.2024. There is total 24 prosecution witnesses, out of which one prosecution witness has been partly examined. Now, the next date before the Id. Trial Court is 07.11.2024 for further prosecution evidence."

7. The allegations pertain to acting in a team with the main accused by cheating on assuring visa under the garb of payment of money. The sly way the petitioner and his accomplices conned, tricked, deceived, swindled, and defrauded the gullible complainant points towards the dangerous trend of the revival of thuggee, and if not sternly dealt with now, it might upsurge, revisiting the history.

8. Besides the above, the petitioner has a similar criminal history and points toward recidivism.

9. Considering the bail petition of an accused with a criminal history throws an onerous responsibility upon the courts to act judiciously and reasonably because arbitrariness is the antithesis of law. The criminal history must be of cases where the accused was convicted, including the suspended sentences and all pending First Information Reports, wherein the bail petitioner stands arraigned as an accused. In reckoning the number of cases as criminal history, the prosecution resulting in acquittal

CRM-M-41435-2024

or discharge, or when Courts quashed the FIR, the prosecution stands withdrawn, or the prosecution filed a closure report, cannot be included. Although crime is to be despised and not criminal, for a recidivist, the contours of a playing field are marshy, and the graver the criminal history, the slushier the puddles.

10. A perusal of the bail petition and the documents attached prima facie points towards the petitioner’s involvement and does not make out a case for bail. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

11. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

12. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

20.11.2024
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.