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

CRM-M-50817-2024

Date of Decision: October 09, 2024

ANU THAKUR

....Petitioner(s)

VERSUS

STATE OF HARYANA

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

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

Mr. Gurmeet Singh, AAG, Haryana.

SANDEEP MOUDGIL, J.(ORAL)**1. Relief Sought**

The jurisdiction of this Court under Section 482 Bhartiya Nagrik Suraksha Sanhita, 2023, has been invoked seeking the concession for the grant of anticipatory bail to the petitioner in FIR No.696 dated 02.09.2024 under Sections 120-B, 420, 467, 468, 471, 406 of IPC registered at Police Station Shahabad, District Kurukshetra, Haryana.

2. Prosecution story set up in the present case as per the version in the FIR read as under :-

*'To Superintendent of Police Sir District Kurukshetra.
Subject- Application against 1. Sahil Mobile No. 8816005669
son Suresh village Amirpur Bhaini Jind and Suresh himself
Mobile No. 106... 9812912466 and Sahil's uncle Ashok Mohd.
No. 9050612784 2. agh MoDilb. 9068703799 who is Sahil' s
cousin 3. Amin Mo. 61 485861901 9991181656,*



971581600675, Irfan Mo. No. 9996059214 residents of village Matlauta Panipat and Pachan Mo. owner of fake visa issuing agency Mileston Education and Immigration Service Chandigarh Sector 8.9056509089 and Anu Mo. Complaint letter against9115999689. Sir, the request is that Narendra Singh son of Shri Mahendra Singh is a resident of village Tangor Tehsil Shahabad Markanda District Kurukshetra. My son Khushpreet Singh and nephew Babandeep Singh met the above mentioned person named Sahil on07-01-2023 d that we also do the work of getting visasand sai, we will get you both a visa for Australia. Sahil arranged a meeting with his uncle Dilbagh and we negotiated for getting visas for both of us for Rs. 42,00,000/- forty lakh rupees. C and Aadhar card etc And he told us to give our DM. to Pawan, the owner of the aboveMileston Education and Immigration Service Chandigarh Sector 8. 2,80,000/- two lakh eighty thousand rupees 2,80.000/- on different dates, in this way 5,60,000/- five lakh sixty thousand posited in Sahilrupees were de' s account and5,00,000/- five lakh rupees were deposited in Sahil's account on23/02/2023 and5,00,000/- five lakh rupees were deposited in Dilbagh' s account on06-05-2023 in this way 10,60,000/- rupees were deposited. After this, reet SinghKhushp's visa came and the remaining amount of32,00,000/- thirty two lakh rupees was sent to Dilbagh's account. And then Babandeep Singh's visa also came. In this way, we have paid a total amount of Rs. 42,00,000/- forty lakh rupees. When we went to the airport, our visas were checked there and they told us that we are not eligible for visa. He did not give it to us and said that your visa is fake and we came back. That when we returned When I went to the above mentioned Mileston Education and Immigration Service Chandigarh Sector 8, there None of our words were heard and we were told to first go to Karosia and then you can go from there. When we said that we have given you money to go



to Australia and you have got us an Australian visa, when was checked at the airport the visa, it was found to be fake. Please return our money to us, we do not want any kind of visa from you because you are giving us fake visas, so from now on the staff of Mileston Education and Immigration Service Chandigarh Sector 8 have badly with us and told be us to do whatever you can, we will neither return your money nor will we get you any visa again. We humbly request you to please take strict legal action against all the above culprits. Above culprits And please get our money back from the a. It will be your great kindness. Thank you. Date Applicant Narendra Singh son of Shri Mahendra Singh resident of village Tangor Tehsil Shahabad Markanda District Kurukshetra 9728490312, 8059229360 Sd Narendra Singh with s Deputy Superintendent of Police Shahbad Markanda Jail investigation report I Sir, it is requested to write with respect to the above complaint that, the above complaint was investigated by the in-charge police station Shahbad ie. local police. ved Investigation report was received. According to which the complaint was studied. Statements of complainants were recorded. Statements of respondents Pawan and Anu Thakur were recorded. On sending notice under section 35(3) BNSS to respondents Sahil, or joint Dilbagh and Amin in their villages f investigation, the respondents were found to be absconding from their homes. Work statement of bank accounts of complainants and respondents was obtained. On sending notice to respondents Sahil, Dilbagh, Amin, Ashok and Suresh for ation joint investig, it was found from Sarpanch Sahaban that Sahil, Dilbagh and Amin are not staying at their homes for a long time. Due to which joint investigation was not done. According to the statement of Babandeep, the nephew of the complainant, he investigation of the above complaint recorded during t, the nephew of the complainant, Mr. Babandeep Singh had done the PTE course from Chetan Institute, near



New Bus Stand, Kurukshetra from the month of September 2022 to the month of December 2022. eDuring the PTE cours, Babandeep met the respondent Sahil son Suresh resident of village Amir Pur Maini Police Station Narnaund District Jind in the month of November 2022. Babandeep and Sahil exchanged mobile numbers between themselves. After two-four meetings, meet Babandeep Sahil did not. After that on 07.01.2023 the respondent Sahil called Babandeep and talked to him through WhatsApp call. During the conversation, Sahil told that he was in Australia. He told that Sahil's. aunt's son Amin was sending young men to Australia Sahil asked Babandeep about his wish to send young men to Australia Babandeep also expressed his wish to go to Australia Sahil arranged for Amin and Babandeep to talk on a phone conference call Babandeep talked to his father and the complainant about abroad. The complainant also made a plan to send his son Khushpreet to Australia, ie. the complainants agreed to send Khushpreet and Babandeep abroad to Australia. The complainants, respondents Sahil and Amin made a verbal deal for sending Babandeep abroad to Australia on a tourist visa and later Khushpreet and converting the tourist visa into a study visa for a total of 42 lakh rupees, including tickets, of Rs. 21 lakh per person. Sahil asked to deposit Rs2 lakh 80 thousand per person, totaling Rs5 lakh60 thousand, in Sahil's account to process the file for sending Khuspreet and Babandeep abroad. On18.01.2023 , the complainant Shri Narendra Singh withdrew Rs 02 lakh80 thousand from his bank account number3283001700506223 of Punjab National Bank Kalsani and on20.01.2023 the amount was withdrawn from his nephew Harman's bank account number 0 9843000100015302 PNB Jhansa Out of these, Rs. 2 lakh80 thousand and a total of Rs. 5 lakh60 thousand were deposited in Sahil' s bank account number50100566048179 HDFC. After that, Sahil asked to deposit Rs. 5 lakh each for



both of them, a total of Rs. 10lakh in his bank account as expenses for getting visa for Khushpreet and Babandeep. The complainants asked the respondent Sahil to introduce them to their family members. Respondent Sahil called the complainants to his uncle Dilbagh's house in Matalauda and arranged the meeting of the complainants with his uncle Dilbagh. Dilbagh Singh also assured the complainants broadly to Australia through Sahil that Babandeep and Khushpreet would be sent to Australia with Amin. After that, in lieu of sending Babandeep and Khushpreet to Australia, on 23.02.2023, Rs. 05 lakhs were deposited from the account number 3283001700506223 of complainant Shri Narendra Singh in Punjab National Bank Kalsani to Sahil's bank account number 50100566048179 HDFC. After that, on the behest of Sahil and Amin, Babandeep and Khushpreet called on the mobile number of respondent Pawan and when Pawan sent the location, they gave their passports, Aadhaar card, PAN card, etc. to Pawan at Milestone Education and Immigration Service, SCO No. 161-162 Sec-08 C Chandigarh. Where Pawan took the documents after asking respondent Anu Thakur. Complainants Khushpreet and Respondent Pawan took the documents from Babandeep. Babandeep was assured that his visa would come in a month. On 19.04.2023 Sahil WhatsApped me my one-year tourist visa to Khushpreet. Sahil and Amin called Babandeep and told him that they had sent Khushpreet's visa. When Babandeep and Khushpreet asked Sahil and Amin the reason for the one-year visa, both said that there must have been a clerical mistake in the file. They will arrange for a two-year visa. Sahil and Amin said that they should make arrangements to pay the unbalanced amount. Amin sent his father Dilbagh's bank account number 50200080068999 HDFC to the complainants on WhatsApp for making the payment. In lieu of sending Khushpreet and Babandeep to Australia, the complainants sent a visa to Smt. Satnam Kaur on 20.04.2023.



ccount numberA 050100610782231 HDFC, Rs 10 lakh in respondent Dilbagh's bank account number 50200080068999 HDFC and Harman's bank account number9843000100015302 PNB Jhansa 05 lakh rupees from Dilbagh's UCO Bank account number30080210000878 and on28.04.2023 Sahil sent a two-year Durist Visa of the bank to Babandeep on WhatsApp. The complainants transferred05 lakh rupees from the account number 3283001700506223 of complainant Shri Narendra Singh in Punjab National Bank Kalsani and Rs9843000100015302 armanin H's bank account number9843000100015302 PNB Jhansa Out of this, Rs5 lakh was deposited in Dilbagh's bank account number50200080068999 HDFC and on 08.05.2023 in Harman's bank account number9843000100015302 PNB Jhansa 05 lakh rupees and on09.05.202 4, 01 lakh40 thousand rupees were deposited from Harwarjit' s PNB account number3283000100478178 to Dilbagh' s HDFC bank account number50200080068999. After that, Pawan above WhatsApped Babandeep's two-year tourist visa from his mobile to Babandeep'iles mob. After that, the complainants came to know that Amin and Sahil The videos sent by Khuspreet and Babandeep on the mobile phones of Khuspreet and Babandeep are fake. The complainants went to the office nd Pawanof Milestone in Chandigarh and spoke to Anu Thakur a. Anu Thakur told the complainants that Pawan is our servant. Your visa is genuine. Babandeep and Khuspreet has booked tickets on his own to travel to Australia on 07.05.2024 On arrival of Khushpreet and Babandeep at Indira Gandhi Airport, the migration department peopleim Khushpreet's seeds were declared fake. The complainants had sent the seeds of Khushpreet and Babandeep to Delhi Immigration The visas were found to be fake even after being checked at the office. ondent MrsAs per the statement of the resp. Anu Thakur, the immigration work was being done in the



name of Mile Stone Education and Immigration Services Private Limited. I am working in SCO-116-117 Top Floor, SecO-08 B, Chandigarh for last 10-11 years. Earlier my office address was SC 161-162 Sec-08 Chandigarh. In this work my Partner Suman daughter of Jaswinder Singh resident Anand Nagar, Street No. 0-12, Behind Amrit Palace, Faridkot, District Faridkot Punjab. We also have Pawan son of Azad Singh resident H.No.- 395, Rohtak Amex City He has been working as a counsellor for the last two and a half years. On 23.01.2023, he was present in my office. A call to mobile number 9056509089 from mobile number 61485861901 (from Australian mobile) The call came from our website. I attended Pawan about that call. During the call, the caller Ayush made an inquiry about Australia's transit/visit visa. Ayush told Pawan that I have two candidates for whom you have to get Australia's transit/visit visa. Pawan discussed the matter with me. We asked for passports, photos, qualification documents of both those candidates Khushpreet and Babandeep Singh. A person named Ayush sent the documents from the said Australian number to our above number. I asked for the original documents from him. After that, around on 07.02.2024 Khushpreet came outside our office Pawan took the papers outside the office and asked me if the papers have arrived and if there is any other query I said there is no other query. Pawan let Khushpreet go. We started the visa process of Khushpreet and Babandeep. In the month of April, the Australia transit visa (paper visa) of Khushpreet and Babandeep arrived, visa no. 2009503856080 for Khushpreet and visa no. 2009503841930 for Babandeep. We got the visa fees and visa work done through our associate Mr. Deep Gill mobile number 9992975267 whose full address or office I do not know, he only talks on phone. On my request Pawan WhatsApped the visas of Khushpreet and Babandeep from the above number to Ayush's mobile number in the above mentioned



Australian countryme. Khushpreet and Babandeep kept calling repeatedly on the above mentioned number. We WhatsApped the copy of Khushpreet and Babandeep's visas from the above mentioned company number to Khushpreet's mobile number 8607368013. We talked to Ayush on the above mentioned Australian number about taking Rs. 1 lakh 70 thousand per person i.e. total Rs. 3 lakh 40 thousand for getting the visas of Khushpreet and Babandeep. I asked Ayush to pay us Rs. 3.40 lakh I don't remember the date after that. In the middle of June, Ayush's father Dilbagh came to our office to pay Rs. 3.40 lakh for both the above mentioned visas (Khushpreet and Babandeep's visa). Dilbagh paid us Rs. 3.40 lakh in our office and took the original visas, passports and documents of Khushpreet and Babandeep with him. I or Suman and Pawan had no direct deal with Khushpreet and Babandeep. I had made a deal with Ayush alias Amin for Rs. 3.40 lakh only to get Australia transit visas for Babandeep and Khushpreet. I got Australia transit visas for Khushpreet and Babandeep done and gave them to Amin alias Ayush's father Dilbagh. I had taken Rs. 3.40 lakh as per the deal. The deal for Khushpreet and Babandeep's tickets, airport expenses, converting Babandeep and Khushpreet's transit visa to study visa in Australia, etc. was done with Ayush alias Amin and Sahil. There was no deal with us for Khushpreet and Babandeep's tickets, airport expenses, converting Babandeep and Khushpreet's transit visa to study visa in Australia, etc. For the above mentioned visa for Australia, I did not use my office ID, account, etc., but got the work done only through Mr. Deep Gill. Our call, WhatsApp chat with Khushpreet and Babandeep was only about sending the documents after getting the visa. My company is registered with Milestone. I have presented a copy of its registration to you. Our company has 12/13 mobile numbers in its name. Which are used by the employees of my company. Our company has a



bank account number 077172135101 in IDFC Bank, Branch Sec-08C Chandigarh. My saving account number 10027120642 is in IDFC Bank, Branch Sec-08C Chandigarh. Both the above visas issued by me or my company are genuine. You can get them checked anywhere. We have not committed any fraud. Respondent Pawan recorded his statement confirming the above statement. During the investigation of the above complaint, from the statements recorded and from the study of the bank statements of the complainants and the respondents, it was found that the complainants, on the instructions of respondents Sahil, Amin and Dilbagh, had deposited Rs 42 lakh in the bank accounts of Sahil and Dilbagh in lieu of sending Khushpreet and Babandeep abroad to Australia. According to the statement of Babandeep and Khushpreet, visas of Khushpreet and Babandeep were sent to them by respondents Pawan and Sahil on WhatsApp were found to be fake from the airport in Delhi. The joint investigation could not be conducted as respondents Amin, Dilbagh and Sahil were not found at their homes. In the above complaint, the complainant party has been accused by respondents Sahil, Amin alias Ayush, Dilbagh Pawan Kumar and Smt. Anu Thakur in collusion with each other. By sending Khushpreet and Babandeep to Australia on a tourist visa and later making a deal to convert it to a study visa, transferring Rs 42 lakh to their bank accounts and giving fake visas to Khushpreet and Babandeep, prima facie it has been found to have been committed cognizable offence. During the investigation of the complaint, the involvement of respondents Suresh and Ashok has not been revealed yet. To find out the truth about the ability of respondent Anu Thakur's Mile Stone Company to issue visa, whether the visa is genuine or fake, against the respondents Sahil son Suresh resident village Amirpur Bhaini, Narnaund, District Hisar, Amin son Dilbagh, Dilbagh residents Matloda



near bus stand Matloda, District Panipat, Anu Thakur wife of sh Kumar resident village Haroli Shri Hari, Police Station Haroli District Una, Himachal Pradesh, currently tenant house no. 3149 no. 0-28 D Chandigarh and Shri Pawan Kumar son Shri Azad Singh resident flat no. 0-395, Omaxe City, Rohtak, currently tenant H.N. 24 ot0-18 A Chandigarh (the incident took place before the implementation of the new law till 07.05.2024 (on the original complaint of the complainant under sections 406, 420, 467, 468, There is a need to conduct investigation by registering charges under Section 471, 120- V.I.C. Therefore, the report is sent to service for order to register the charge along with the original complaint, original statements and the records obtained during the investigation and get it investigated. SD Ram Kumar (Ram Kumar HPS) Deputy Superintendent of Police, Shahabad Hon' ble Date 16.08.2024 Today Police Station: On receipt of the above application numbered along with investigation report from Deputy Superintendent of Police ice Kurukshetra in the police Shahbad Bajaria Post Office Superintendent of Pol station, case no. 696 dated 01.09.2024 Section 406, 420, 467, 468, 471, 120 B IPC Police Station Shahbad registered and the copy along with original application number along with investigation report will be handed over to SI Pradeep Kumar 135A for further investigation, who is out of the area police station in the ongoing diary in connection with other cases. Computerized copies of the special report of the case are being sent to the service of Bajaria E-MAIL Officer Bala. The record was entered lawfully. FIR was registered in the presence of SI Gurmindra Singh 10/ A of Shahbad police station.



3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner submits that no recovery has been effected from the petitioner pursuant to joining her investigation after receiving notice under Section 35(3) BNSS from the police officer and has already submitted all the relevant documents which were available with her relating to the present FIR.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from SI Pardeep would argue that the petitioner is habitual offender involved in another FIR No.43 dated 30.06.2024 under Section 420 IPC registered at Police Station Quadian, Batala, Gurdaspur.

4. Analysis

Nothing is cited for effecting recovery from the present petitioner for which his custodial interrogation can be sought.

As far as the pendency of other cases and involvement of the petitioner in other cases is concerned, the petitioner is already on bail and otherwise also as per the mandate of order of this Court rendered in CRM-M-25914-2022 titled as ***“Baljinder Singh alias Rock vs. State of Punjab”*** decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence



in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would land the petitioner in a situation of denial of concession of bail.

5. **Decision**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to her joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, upon furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of which are reproduced below :-

'When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section

(3) of section 480, as if the bail were granted under that section.'



However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically, stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

09.10.2024
Sangeeta

Whether reasoned/speaking:	Yes/No
Whether reportable:	Yes/No