

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8152-2025
Reserved on: 01.03.2025
Pronounced on: 11.03.2025

Gurkirat Singh Sidhu @ Sunny Chahal ...Petitioner

Versus

State of UT Chandigarh ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Aman Mittal, Advocate,
for the petitioner.

Mr. Manish Bansal, P.P. UT Chandigarh.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
128	05.06.2024	Sector-36, Chandigarh	406, 420, 120-B IPC and 24 of Immigration Act

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 of CrPC, seeking regular bail.

2. In paragraph 13 of the bail petition, the accused declares that he has no criminal antecedents. However, as per paragraph 4 of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	107	07.06.2024	420, 467, 468, 471, 120-B IPC	Sector-17, Chandigarh
2.	258	03.11.2023	406, 420, 120-B, 506 IPC & 24 of Immigration Act	Sector 9, District Ambala (HR)
3.	80	21.05.2024	406, 420, 120-B IPC and 24 of Immigration Act	Sector 9, District Ambala (HR)
4.	41	27.03.2024	420, 120-B, 467, 468, 471 IPC	Sector-17, Chandigarh
5.	146	06.07.2024	406, 420, 120-B, 467, 468, 471, 409 IPC and 3/4 of Immigration Act	Sector-36, Chandigarh
6.	192	13.10.2024	420/120-B IPC	Sector A Division Amritsar, Divn. Amrisar

3. The facts and allegations are being taken from the status report filed by the

State, which reads as follows:

"6. That before we proceed any further it would be in the fitness of things to detail the facts of the instant case for providing better assistance to this Hon'ble High Court. That the present case pertains to the FIR No. 128 dated 05.06.2024 registered under Sections 406/420/120-B of IPC & Section-24 of immigration Act at Police Station-Sector-36, Chandigarh and subsequently during course of the investigation vide DDR No.69 dated 18-07-2024 Section-467/468/471/409 of IPC also added in the present FIR, which was registered on the basis of joint complaint of Manjot Kaur, Suman Rani, Gurdas Singh, Amanjot Singh and Anureet Verma being complainants against present petitioner and co-accused namely Kulvir Singh Kaura, Reet @ Rajwinder Kaura, Nishant being proprietor/Directors of M/s. Vast Visa Immigration Services Pvt. Ltd. alleging therein that "They all applied for PR at Canada through above said Immigration Firm and they paid total amount Rs.25,6000/- for their PR Visas for Canada. However, inspite of lapse of long time, present petitioner and co-accused failed to show them any document relating to their PR applications for Canada. On this occasion, they sent email to the official email of the Immigration Firm regarding refund of alleged paid amount but they never received any response to the same and when they approached physically at above said Firm office in order to take refund of their paid amount, present petitioner and co-accused Rajwinder Kaur from official Bank account of Immigration Firm gave them two cheques amounting to Rs.9,96,000/- and Rs.10,15,000/-. However, on inquiry it was found that there were no funds in the Bank account of the said Firm. On asking of the same, petitioner and co-accused asked them not to present said cheques and they agreed to return their amount in small installments but despite repeated requests, complainant amount i.e. Rs.25,26000/- has not been returned so far. Hence, primarily on these allegations present FIR (Annexure P-1) was registered."

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 his family.

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

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

"ROLE OF THE PETITIONER: -

13. That as per the allegations in the FIR (Annexure P-1) the present petitioner is one, who intentionally and knowingly cheated the complainants and during investigation, it has come on record that he is part of the alleged company namely M/s. Vast Visa Immigration Services Pvt and also received multiple payments of different-different amounts from the complainants into the alleged company's official bank account and further having the motive behind commission of alleged crime in the present FIR. Which shows that the present petitioner along with other co-accused are connived the entire conspiracy and neither get their visas for Canada nor returned the alleged amount to them as on date. Its prima facie proves that petitioner cheated the complainants for an amount of Rs.25,26,000/- Lacs on the pretext of sending them Canada under Permanent Residency Visas.

14. That during course of the investigation KYC details of the alleged company i.e M/s. Vast Visa Immigration Services Pvt. Ltd. was verified by the investigation officer from the ICICI Bank, SCO-31, Sector-67, Mohali and as per the record of the said account there are multiple transactions of different-different amounts were made from the alleged company's account to the account of the present petitioner and during further course of the investigation CDR details of the complainants and present petitioner was taken and as per the same present petitioner and the complainants were in contact. It is crystal clear that he is part of the alleged company and received the multiple payments of amount into his account on the basis of his working and role in the said company.

15. That the aforesaid sequence of events makes it clear that present petitioner is a sharp minded and actively involved in the entire commission of crime. Further, he in a planned manner duped a huge amount of Rs.25,26,000/- Lacs of the complainants and recovery of the said alleged amount is still pending in the present FIR.

16. It is further humbly stated that and the offences of such nature are on the rise and cannot be condoned even if the accused ready to settle the matter, be it for whatever reasons. Given the serious nature of allegations against the petitioner, the undersigned most respectfully submits that the present petition is liable to be dismissed."

REASONING:

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. As per paragraph 12 of the bail petition, the petitioner has been in custody since 30.07.2024. As per the custody certificate dated 18.02.2025, the petitioner's total custody in this FIR is six months and twenty days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner’s complying with the following terms.
12. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.
13. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.
14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
15. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.
16. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

11.03.2025

Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.