

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

**CRM-M-33247-2018
Date of decision:30.10.2018**

Mandeep Singh and another

....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Ms. Ruhi Kaushik, Advocate for
Mr. Animesh Sharma, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, AAG, Punjab
assisted by ASI Mewa Singh.

GURVINDER SINGH GILL, J. (ORAL)

The petitioners seek grant of anticipatory bail in respect of
FIR No.115 dated 25.05.2018 under Section 420 of Indian Penal Code,
1860 and Sections 24 of Immigration Act registered at Police Station
Civil Lines, Patiala.

In nut-shell the case of the prosecution is that pursuant to
orders of Senior Police Officers, when a police party was checking
unauthorized Immigration Offices in Leela Bhawan Market, Patiala then
they came across one office which was being run by Mandeep Singh and
Kunal Thakur who upon inquiry disclosed that they were the proprietors
of the Immigration Office “Rightway” and they further disclosed that they
do not have any license to run an immigration office. It is thus alleged

that Mandeep Singh and Kunal Thakur had opened Immigration Office without any license and had taken huge amounts from several persons by defrauding them.

Notice of this petition was issued to the respondent-State.

Learned counsel for the petitioners has submitted that even if the allegations levelled in the FIR are taken to be correct still only offence can perhaps be that they had opened an office without completing necessary formalities and that there is no evidence worth credence that the petitioners had defrauded any person.

On the other hand learned State counsel while opposing bail application has submitted that during the course of investigation statements of some defrauded persons have been recorded who had stated that they had been defrauded to the tune of amounts varying between ₹5,000/- to ₹10,000/-. Learned State counsel has submitted that in any case, opening of any immigration office without having a valid licence itself constitutes an offence.

Having regard to the facts and circumstances of the case and bearing in mind that no private person has come forward to allege that they have been defrauded of huge amounts by the petitioners and also that the petitioners have also joined investigation, in my opinion, it is a fit case for grant of anticipatory bail to the petitioners. Accordingly the petition is accepted and the interim directions issued vide dated 03.08.2018 by this Court are hereby made absolute subject to the condition that the petitioners would appear before Investigating Officer as and when called upon to do so and cooperate with the Investigating

Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

The petition is accepted in the above mentioned terms.

It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

30.10.2018
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**