

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

**CRM-M-29665 of 2023
Date of decision : 07.07.2023**

Gurbinder Singh Sanghera @ Gurwinder Singh ...Petitioner

Vs.

State of U.T. Chandigarh ...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. S.S. Grewal, Advocate for the petitioner.

Mr. Vipul Jindal, Addl. P.P. U.T. Chandigarh.

Mr. Sandeep Singh Sangwan, Advocate
for the complainant.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.53 dated 06.05.2023 registered under Sections 420 and 406 Indian Penal Code at Police Station Maloya, U.T. Chandigarh, who is in custody since his arrest on 08.05.2023.

The contents of the FIR as noticed by the learned Additional Sessions Judge, Chandigarh in his order dated 26.05.2023 are as under:-

“... on the complaint of Abhishek Nagar s/o Satish Kumar, r/o # 4255, Sector 46-D, Chandigarh against Gurbinder Singh (applicant), Proprietor of Overseas Study Planner, Sirsa, Haryana. It is alleged that the complainant wanted to go to Canada for study and due this he met applicant through Amit Sama who assured him that the applicant will arrange study visa for him as he is an authorized travel agent to send students abroad. In October, 2018, Amit Sama fix a meeting with the applicant in the market of Daddu Majra Colony, Chandigarh and at that time he misrepresented and allured him that he will send him to Canada by February, 2019. The applicant demanded 19,000/- as processing charges which amount was ₹ transferred by the complainant on 29.10.2018 in the account of M/s Overseas Study Planner. After that the applicant informed the complainant that his visa application has been proceeded and he demanded a sum of 14 lacs. On 15.11.2018 Amit Sama came to the ₹ residence of the complainant and asked that the applicant will come to Chandigarh on

15.11.2018 and asked him to keep the amount ready. On 15.11.2018 complainant along with his parents and Amit Sama went to Maloya Bus Stand, Chandigarh and handed over 14 lacs in cash to the ₹ applicant and he assured to arrange student visa for the complainant. Later on 4.2.2019 complainant received intimation from Canadian Embassy that his visa application has been rejected due to submission of fake GIC certificate and they put ban of 5 years on the complainant to enter Canada.”

Status report by way of affidavit of Sh. Charanjeet Singh Virk, Deputy Superintendent of Police, (South West) has been filed on behalf of respondent-U.T. Chandigarh.

Learned counsel for the petitioner argued that the complainant has falsely implicated the petitioner in the above FIR on the allegations that he paid Rs. 14 lacs to the petitioner for arranging student visa and his visa application was rejected by Canadian Embassy. He submits that co-accused Amit Sama had introduced the complainant and the petitioner and as per the allegations in the FIR itself a sum of Rs. 5 lacs has already been returned to the complainant and approximately only a sum of Rs. 9 lacs is remaining. According to him, the dispute raised by complainant is purely of civil nature and instead of filing the civil suit, he has lodged the FIR. He prays for bail.

Learned counsel for U.T. Chandigarh as well as counsel for the complainant has opposed the prayer on the ground that the petitioner had induced the complainant to part away with his money, but the promise made by the petitioner was not fulfilled, which resulted in wrongful loss of Rs. 9 lacs to the complainant. However, on instructions from ASI Sahib Singh he states that the investigation of the case is almost complete and the formal final report under Section 173(2) Cr. P.C shall be filed in next few days.

Upon hearing learned counsel for the parties and considering their submissions, this Court finds that the alleged transaction between the parties took place in the year 2018. As per status report filed by learned counsel for

U.T. Chandigarh, after receiving a sum of Rs. 14 lacs, an amount of Rs. 5 lacs was returned to the complainant in September 2019 and the FIR has been registered in the year 2023, wherein the investigation is also complete, therefore, further detention of the petitioner behind the bars may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

07.07.2023		(MANOJ BAJAJ)
neeraj	Whether speaking/reasoned :	JUDGE
	Whether Reportable :	Yes No
		Yes No