

103 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of Decision: 5th October, 2023

1. CRM-M-35785-2023

Swaran Singh Mahar ... Petitioner

Versus

State of Punjab ... Respondent

2. CRM-M-30521-2023

Manjinder Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Paramjeet Phor, Advocate for
Mr. B.S. Seema, Advocate and
Mr. Navjot Singh, Advocate for the petitioners.
Mr. Sandeep Kumar, Deputy Advocate General, Punjab.
Mr. H.S. Oberoi, Advocate and
Mr. K.S. Brar, Advocate
Mr. Rajat Dogra, Advocate for the complainant.

AVNEESH JHINGAN , J.(Oral)

1. These two petitions under Section 438 Cr.P.C. are filed seeking anticipatory bail in FIR mentioned below :-

FIR No.	Date	Police Station	Sections
52	6.5.2023	SGN Dev Thermal Plant, District Bathinda	420/120-B IPC, 1860 and Section 24 of Immigration Act

2. Brief facts of the case are that nineteen complaints were received by police against the immigration concern GSH Group Immigration Services (for short ‘the concern’) of Gurpreet Singh. As per the allegations, he along with co-accused Manjinder Singh (petitioner in CRM-M-30521-2023) brother-in-law of Gurpreet Singh,

Swaran Singh Mahar (petitioner in CRM-M-35785-2023) father of Gurpreet Singh duped the complainants of more than rupees three crores. Neither they were sent abroad nor money returned. In some of the complaints, the petitioners were specifically named to be actively involved. The amounts in most of the cases were transferred through banking channels. Swarn Singh Mahar was holding seminars to promote the concern and Manjinder Singh had given interviews on YouTube viz-a-viz working of the concern. There are financial transactions between Gurpreet Singh and the petitioners

3. Learned counsel for the petitioners submits that it is a case of false implication. The concern was owned by Gurpreet Singh and the petitioners were roped in to create pressure.

4. Learned counsel for the State relies upon the pleadings of two status reports filed. He submits that as on date only nineteen complaints came forward but victims are more. It is contended that during enquiry it revealed that the name of the concern is on the basis of the names of Gurpreet Singh, Swaran Singh Mahar and Harwinder Kaur, they have actively involved in business activities. There are videos, photographs of seminars and promotional events undertaken by the petitioners. Submission is that custodial interrogation is necessary to unearth the *modus operandi* adopted.

5. Learned counsel for the complainants vehemently opposes the prayer and submits that the petitioners are relatives and worked intandem to dupe the people of their hard earned money. The wife of Swaran Singh Mahar had applied for IELTS licence which indicates that all family members were involved in running the business.

6. It is clarified that observations made hereinafter shall not be construed as an expression of opinion on the merits of the case.

7. The economic offences are required to be dealt with an approach that these are not committed in heat of movement but are well planned and each accused has a specific role for smooth execution of the plan.

8. The Supreme Court in ***State of Gujarat v. Mohanlal Jitmalji Porwal and others, (1987) 2 SCC 364*** observed as under:

“5.The entire community is aggrieved if the economic offenders who ruin the economy of the State are not brought to book. A murder may be committed in the heat of moment upon passions being aroused. An economic offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of the consequence to the community. A disregard for the interest of the community can be manifested only at the cost of forfeiting the trust and faith of the community in the system to administer justice in an even-handed manner without fear of criticism from the quarters which view white collar crimes with a permissive eye unmindful of the damage done to the national economy and national interest.....”

9. In ***Y.S. Jagan Mohan Reddy Versus CBI (2013) 7 SCC 439***, the Supreme Court held as under:-

“34. Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offences having deeprooted conspiracies and involving huge loss of public funds need to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country.

35. While granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations.”

petitioners. They were specifically named in the complaints and their active participation has already been revealed. The scale of operation of the accused is evident from the number of complaints received and are likely to be received as per statement of learned State Counsel. An immigration concern was opened, the accused actively participated in promoting business and had financial transactions with Gurpreet Singh. A deeper probe is required to unearth the scale of the operation of the immigration concern as also the *modus operandi* adopted. Considering the nature of allegations and the fact that the petitioners have access to documentary evidence, it cannot be ruled out that if got an opportunity petitioners would be able to tamper with the evidence.

- 11. No case is made out for grant of anticipatory bail.
- 12. The petitions are dismissed.
- 13. Since the main cases have been dismissed, the pending application(s), if any is rendered infructuous.
- 14. A photocopy of this order be placed on the file(s) of connected case(s).

(AVNEESH JHINGAN)
JUDGE

5th October, 2023
anuradha

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