

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1.

CRM-M-56565-2023
2023: PHHC: 147753

RAVINDER SINGH ALIAS RAVI SAAB

. . . . Petitioner

Vs.

UT OF CHANDIGARH

. . . . Respondent

2.

CRM-M-56602-2023
2023: PHHC: 147756

MANPREET SINGH BRAR

. . . . Petitioner

Vs.

UT OF CHANDIGARH

. . . . Respondent

Reserved on:17.11.2023
Pronounced on: 21.11.2023

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Davinder Singh, Advocate, for the petitioner.

Mr. Ankul Bali, Addl. P.P., UT, Chandigarh.

Mr. Jaskaran Singh, Advocate, for the complainant.

DEEPAK GUPTA, J.

This order shall dispose of two petitions titled above, both filed under Section 439 CrPC. In both the petitions, prayer is to grant regular bail in a case arising out of FIR No.139 dated 09.08.2023 registered at Police Station Central Sector 17, Chandigarh, under Sections 460/420/120B IPC.

2. FIR was lodged on the complaint of Sukhwinder Singh, as per which he had approached one BB Council located in Sector 17, UT

Chandigarh, for seeking education loan for her daughter and to send her abroad. It has alleged that petitioner has been cheated for an amount of ₹2,65,000/- by both the petitioners Ravinder Singh @ Ravi Saab and Manpreet Singh Brar alongwith co-accused Jyoti Mehra and Rachna Kaushik and others.

3. It is contended on behalf of both the petitioners that the matter has already been compromised amongst the parties. Copy of compromise dated 15.10.2023 is Annexure P2 as placed in CRM-M-56565-2023. It is further contended that none of the petitioners are beneficiary of the case. Main allegation in the FIR is against one Jyoti Mehra, who has not been arrested so far and who is the mastermind of the fraud. Owner of the BB Council had even filed a complaint against its employees Jyoti Mehra and others on 29.08.2022 and then on 17.04.2023 as it had come to their knowledge that said Jyoti Mehra and others had committed fraud with BB Council by misrepresenting the clients of BB Council and had started receiving the payment of the clients in their personal accounts without informing the company, without the knowledge of the owner of the company and later on ran away without handling the details and belongings of the company. As no action was taken on the complaint, petitioner-Ravinder Singh @ Ravi Saab had to approach this Court by filing CRWP-5762-2023 in which direction was given by this Court vide order dated 08.06.2023 to look into the representation. Still further, it is contended that both the petitioners are in custody for the last more than 2 months; that the case is triable by Magistrate; that matter has already been compromised;

that no purpose shall be served by keeping them detained and so, they be allowed bail as investigation has already been completed.

4. Although counsel for the complainant stated no objection to grant regular bail to the petitioners on account of compromise having been effected, but petitions are opposed by counsel for the respondent-UT, Chandigarh. It is pointed out by counsel for the respondent-UT, Chandigarh that apart from the present FIR, petitioners are involved in three more cases of the similar nature. Besides numerous complaints, as per the details given in para No.6 of the reply filed in CRM-M-56565-2023, which has been prayed to be considered for the purpose of both the petitions, are still pending enquiry, in which almost identical allegations have been made to the effect that complainants have been duped of their hard earned money on the false pretext and promises of sending them abroad and for providing education loan. However, it is also submitted that challan against both the petitioners has already been presented in the Court of Ld. CJM, Chandigarh, though investigation on some aspects is still pending. Ld. counsel for the UT-Chandigarh also pointed out that BB Council-an immigration company, neither has license to deal in immigration nor the said company/entity is registered as mandated under law.

Prayer is made for rejecting the bail petitions.

5. I have considered submissions of both the sides and have appraised the available record.

6. Both the petitioners are in custody since 26.08.2023 i.e. for the last 2 months and 27 days, as per the custody certificate. They are also

involved in three other FIRs of the similar nature. However, it is not disputed that after completion of investigation qua the petitioners, challan has already been presented before the Id. trial Court concerned. It is not specified in the status report as to on what aspects the investigation was still pending. Compromise has already been effected amongst the parties, copy of which has been placed on record and which fact has been conceded to by the counsel for the complainant. The offences in question are triable by magistrate. Trial may take time to conclude. No purpose is going to be served by keeping the petitioners detained; otherwise it will become a punitive detention, which is not the purpose of keeping a person in custody during trial. However, necessary conditions may be imposed for grant of bail.

7. Having regard to all the facts and circumstances as noted above, but without commenting anything further on merits of the case, both the petitioners are directed to be released on regular bail subject to the following conditions:

- (i) Both the petitioners shall furnish requisite bail bonds and personal/surety bonds to the amount of Rs.2 lakh each to the satisfaction of the trial Court/Duty Magistrate concerned.
- (ii) Both of them shall surrender their respective passports before the Court concerned.
- (iii) Both of them will provide their mobile number and email addresses, none of which shall be changed during trial. If mobile number/email address is changed, intimation thereof shall be provided to the Court concerned within a week positively.

- (iv) During trial, petitioners will not run the business of immigration without obtaining necessary license and registration from the competent authority in accordance with law.
- (v) None of the petitioners will impede/delay the trial in any manner nor will try to influence the witnesses in any manner.

8. Apart from the above, the trial Court/Duty Magistrate before whom the bonds are to be furnished, will be at liberty to impose any other conditions, which it thinks appropriate in accordance with the facts and circumstances of the case.

Accordingly, both the petitions are disposed of.

Any pending application(s), if any, shall stands disposed of.

A photocopy of this order be placed on the file of another connected case.

21.11.2023
Vivek

(DEEPAK GUPTA)
JUDGE

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| 1. Whether speaking/reasoned? | Yes |
| 2. Whether reportable? | No |