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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-23771-2024
Date of decision : 16.05.2024

Surinder Singh Khurmi Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. J.S. Mehndiratta, Advocate
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.385 dated 22.12.2023, registered for the offences punishable under Sections 406 and 420 of IPC, 1860 and Section 24 of the Emigration Act at Police Station Zirakpur, District SAS Nagar.
2. As per the contents of the FIR, it has been alleged as under:-

“Copy of complaint No.5894/Peshi/ SSP dated 18.10.2023, "To the Hon'ble SSP, SAS Nagar (Mohali). Sub: Complaint against Surinder Singh Khurmi (Mobile No.80549-86699) and Harshita Khurmi (Mobile No.99144-41004) Owner/ Agent of Emerald Education Consultant and Immigration Advisor # 381, 4th Floor, Savitri Towers, VIP

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Road, S-2 Zirakpur, Mohali, Punjab for playing fraud of Rs.37,17,000/- on the pretext of sending abroad. Sir, it is requested that I Lovenish Seth son of Sh. Sudarshan Sethi, am resident of H.No.501, Tower B10, Nirmal Chaya Tower, Zirakpur, Mohali. That I alongwith my family were. willing to go abroad. Similarly, my friend Jagdeep Singh resident of Fagan Majra was also wiling to go abroad. Accordingly, we both after seeing an advertisement on the TV about Emerald Education Consultant and Immigration Advisor, which is doing work of sending people abroad. After this, we contacted with them on phone and told that we both alongwith our families want to go to Canada. At this, above said Surinder Singh Khurmi and Harshita Khurmi assured us that they would arrange Canada PR for both the families and send us there and also told that a sum of Rs.50.00 lacs each shall be incurred on this, which would be payable in 2-3 instalments as and when demanded. Since my residence is in Zirakpur, Surinder Singh Khurmi and Harshita Khurmi told me that they are also residing at 381, 4th Floor, Savitri Towers, VIP Road, S-2 Zirakpur, Mohali, which is very close to my house and therefore they offered us to come to their house itself and get our education and other documents/passports of our families checked for preliminary inspection of the documents. Then I and my brother friend Jagdeep singh went to meet them at their house in the last week of December 2020. Both of them assured us that the would arrange PR of Canada for us and stated that they

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would also send our family members there, for which expenses of Rs.50.00 lacs each shall have to be incurred. After 2-3 days of our meeting with them, I and my friend Jagdeep Singh again went to meet them at their residence in Zirakpur. During our this meeting, they showed us copies of old visas and passports which were arranged by them for sending the people to Canada and other countries by arranging PR and work visa. In this way, above persons won our confidence. While believing in their words, I and my friend Jagdeep Singh decided that initially we would apply visa/ PR in respect of one family only and once these persons are successfully in sending one family abroad, application for visa/ PR for second family shall be applied. (2) That first of all, I transferred a sum of Rs.2,00,000/- on 22.12.2020, then Rs.2,00,000/- on 23.12.2020 and thereafter, again Rs.2,00,000/- on 31.12.2020 were transferred. On 02.01.2021 Rs.2,00,000/- were transferred and similarly, on 08.01.2021, Rs.25,000/- were transferred. During this period, I continued to talk with above said persons, who assured me that within a few days, you would be sent to Canada on PR visa. After this, on 04.02.2021, theycheated many people on the pretext of sending abroad and have thereby looted crores of rupees of general public and further they have also cheated many innocent persons by showing them fake documents, fake visas, fake certificates and fake IELTS certificate. During this, we also came to know that the visa being shown by them are also fake. (4) That I have talked to them

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on a number of occasions for getting our payment back and on many occasions even visited their house alongwith my friend Jagdeep but instead of returning the money, they openly claimed that they are having connection with influential political leaders and senior police officers and therefore, in case they are harassed anymore they would falsely implicate me in false criminal cases and send to jail. In this way, both these husband and wife are not returning our documents and money and instead are extending threats to misappropriate our money. You are requested to take legal action against them and get my money to the tune of Rs.37,17,000/- recovered and my documents be got returned. Above said persons have played a fraud on me on the pretext of sending abroad. You are therefore, requested to take necessary legal action against them by registering an FIR under the relevant provisions of law. I shall be highly obliged. Yours faithfully, sd/- Lovenish Seth.xxxx”

3. Counsel for the petitioner submits that there is a dispute with respect to financial transactions between the parties. The complainant alleges that an amount of Rs.37,17,000/- was given to the petitioner, whereas amount received was only Rs.2 lakhs.

4. Challan already stands presented. Petitioner is an ex army officer who has clean antecedents.

5. State counsel does not dispute that the investigation stands concluded. Challan stands presented. However, submits that there is a huge monetary transactions alleged in the FIR and is not in a position to

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dispute that even if the contents thereof are taken to be on its face value, the transfer that can be accounted for would be Rs.10 lakhs. It is a magisterial trial. Petitioner is behind bars for more than 04 months and has clean antecedents

6. Keeping in view incarceration already suffered by the petitioner and the fact that trial is not likely to conclude in the near future, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

16.05.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No