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

CRM-M-32580-2024

Date of Decision: 20.11.2024

Makhan Singh

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. G.S.Ghuman, Advocate with
Mr. Atul Kumar, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.163 dated 21.11.2022 registered under Sections 420, 506, 120-B of IPC, at Police Station Dayalpura, District Bathinda.
2. The FIR in the present case was registered on the basis of the statement made by Sukhpal Singh son of Mukhtiar Singh and the same has been reproduced below:-

“Statement of Sukhpal Singh son of Muktiar Singh, resident of Malooka Tehsil Phool, District Bathinda and do hereby solemnly states as under that:- That my son Gurwinder Singh whose age is 22 years who had passed Twelfth in the year 2018 and had done IELTS and for studying abroad and to go to Canada had contacted A.K. IELTS and Immigration Centre Bhagta Bhaika of Jagmandeep Singh son of Lakhvir Singh resident of Wandar and Makhan Singh alias Vicky Singh son of Tejinder Singh alias Mithu



resident of Bhagta Bhaika on November 2019 and everything was finalized for getting study Visa against sum of Rs. 21 Lac and they assured us that we have good acquaintance in the Embassy so we shall get Visa of your son as soon as possible. Therefore, we trusted upon above named accused persons for applying the case original documents along with Passport and transferred sum of Rs. 40,000/- in the H.D.F.C. Bank Account Number 50100262647358 of Jarmandeep Singh and second time deposited 559,800 for G.I.C. On dated 01.09.2020 Jarmandeep Singh and Makhan Singh had taken blank cheque from us in which they obtained my signatures upon blank cheque, Jarmandeep Singh had withdrawn sum of Rs. 2,20,000/- from my account through said blank Cheque. Then Jarmandeep Singh obtained signatures of my son Gurwinder Singh upon a blank cheque and withdrawn sum of Rs. 5,80,000/-. Thereafter Jarmandeep Singh and Makhan Singh alias Vicky demanded sum of Rs. 5,63,000/- from us for depositing fee of the Collage and we had given them cheque. All this money was given upon the instance of Jarmandeep Singh and Makhan Singh and thereafter on dated 27.07.2020 they had returned sum of Rs. 5,45,760/- of G.I.C. Refund. Thereafter we went to the office of Jarmandeep Singh Makhan Singh then they demanded sum of Rs. 1 Lac from us and said as long as you shall not give sum of Rs. 1 Lac till that time your passport shall not be given. Thereafter we had given sum of Rs. 1 Lac to Jarmandeep Singh and Makhan Singh and they had given our passport to us and our total amount is worked out to the tune of Rs. 20,62,800/- out of which an amount of Rs. 5,45,760/- was refunded back to us for G.I.C., now we said to Jarmandeep Singh and Makhan Singh alias Vicky that why you are not sending my son abroad then they replied to us that exam of you son is to be get again because the collage in which the admission was got in Canada, they have stopped giving admission as a result of which your son have to appear in exam again and



they also took passport from us, neither they get any exam nor returned our passport. After some time thereafter we made lot of phone calls to Jarmandeep Singh and Makhan Singh alias Vicky as till where our process has reached, they kept on making evasiveness to us and then stopped picking up our phone. After some days when our talk was held with Jarmandeep Singh and Makhan Singh over phone then they said that we had to commit fleecing with you which we did. Now go from here. If you raise much of your voice then we shall kill you, thereafter we come to know that in the name of firm which they were running, original owner of said firm had filed a case against them at Police Station Smalsar around month back. That above named accused persons in the name of sending gullible persons abroad are continuously committing cheating and fleecing and they have also committed cheating with us and committed fleecing of Rs. 15,170,40. Till date we were hoping that the accused persons would listen to us for sure but they did not listen to us at all and today I was coming to record statement to you, you met us. I have since been given my statement. Legal action may kindly be initiated against Jarmandeep Singh and Makhan Singh alias Vicky and our due money may also be get back to us. Sd/- Sukhpal Singh.”

3. Learned counsel for the petitioner contends that the allegations were primarily levelled against Jarmandeep Singh and the whole amount was transferred in his account. He further contends that later on, Jarmandeep Singh refunded some of the amount to the complainant also. The petitioner was mainly an employee of company of Jarmandeep Singh and had no concern with the allegations levelled by the complainant. He further contends that the petitioner was not having any licence for running the Immigration Consultancy nor any amount was transferred in his account. The petitioner was arrested in



the present case on 28.02.2024 and all offences are triable by the Court of Magistrate. He further contends that six more FIRs of similar nature were ordered to be registered against the petitioner but he has already been granted the concession of bail in two cases and the bail applications in three other FIRs are still pending.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is a habitual offender and was involved in 06 other cases. He further contends that the petitioner had cheated several innocent victims on the pretext of sending them abroad and the petition is liable to be dismissed by this Court.

5. I have heard the learned counsel for the parties and perused the record.

6. In the present case, the petitioner is stated to be in custody for the last more than 08 months and challan has already been presented against him. Since the offences are triable by the Court of Magistrate, there are no chances of early conclusion of the trial. Apart from that, the petitioner is also not in a position to tamper with the prosecution evidence and the petitioner may not be confined in jail for an indefinite period.

7. Consequently, without commenting any further on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-



- (i) *The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) *The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) *The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) *The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) *In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*
- (vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*

20.11.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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