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

**CRM-M-35385-2024
Date of Decision : 18.11.2024**

GURDEV SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Varun Katyal, Advocate
for the petitioner.

Mr.Pardeep Bajaj, DAG, Punjab.

Mr. A.S.Sekhon, Advocate,
for the complainant.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner, seeks the concession of anticipatory bail, in case FIR No.204, dated 27.05.2024, under Sections 406, 420, 120-B and 370 of the IPC, registered at Police Station City Faridkot, Faridkot.

2. In deference to the direction issued by this Court, vide order dated 14.11.2024, ASI Mr. Raj Singh, investigating officer as well as Inspector Jagtar Singh, SHO, Police Station City, Faridkot, have caused appearance before this Court.

3. The investigating officer concerned, has tendered an unconditional apology for not complying with the directions issued by this Court vide order dated 25.09.2024, and has also tendered an



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affidavit, dated 16.11.2024, of Sh.Tarlochan Singh, DSP, Sub-Division Faridkot, today in the court, which taken on record

4. On account of the reasons mentioned in the affidavit (*supra*), the unconditional apology is accepted.

5. This Court earlier considering the submissions made by learned counsel for the petitioner, to the effect that the petitioner has neither been named in the FIR, nor any amount has been received by him, and he never promised the complainant persons for sending them abroad, this Court proceeded to issue notice motion, and to grant the interim anticipatory bail to the petitioner while drawing order dated 01.08.2024.

6. Upon notice, the State filed a detailed reply, dated 12.09.2024, on dated 13.09.2024.

7. In asking for the relief (*supra*), learned counsel for the petitioner reiterates its submission as recorded above, and while referring to the inquiry report which is a part of instant FIR, he submits that only in the inquiry report his name was figured out as one of the co-accused, with one Randhir Singh. However, there is no allegation, against the petitioner, that he in fact, received any amount himself, and as a matter of fact, one Desa Singh received amount with one Randhir Singh.

8. On the other hand, learned State counsel while referring to the inquiry report, submits that the person mentioned in the FIR (*supra*), as Desa Singh, is infact the present petitioner-Gurdev Singh, who actively participated with co-accused-Randhir Singh in the instant crime.



9. He further draws attention of this Court towards the affidavit (*supra*), wherein, the role of the present petitioner is reflected. The relevant paragraph no.10 reads as under:-

“10. That the present petition for the grant of anticipatory bail by the Petitioner deserves to be dismissed and custodial interrogation of the Petitioner is required on the following grounds:

a) That the Petitioner, in connivance with the co- accused Randhir Singh and his son Manpreet Singh, and his son Jaspal Singh, has cheated with the complainant Avtar Singh and the victim Amrik Singh.

b) That sufficient evidence in the form of Photographs, call recording, CDR has been recorded during the Preliminary Inquiry which clearly indicates that the Petitioner actively participated with his co-accused Randhir Singh when he himself is seen admitting that he had received Rs.70.00 lakhs out of the total Rs.84.00 lakhs from the complainant on the pretext of sending the victim to America.

c) That the investigation of the matter is very initial stage and allowing the petitioner released on anticipatory bail would hamper the investigation as the accused persons are very cunning and clever and they are not expected to bring out the truth before the investigation interrogation except during the custodial interrogation.

d) That as per the evidence recorded during the Preliminary Inquiry, it has been noted that the Petitioner and his son had admitted that they had send numerous persons to America, while giving assurance to the Victim during their conversation on the phone. If this is to be believed as truth, then the details of other victims is yet to be unearthed to expose the entire scam.

e) That the entire cheated amount of Rs.84.00 lakhs is yet to be recovered which has been distributed by the accused persons among themselves. Therefore, to get the recovery of the same effected, the custodial interrogation of the Petitioner and his co-accused is necessary.

f) That the Petitioner Gurdev Singh has field the present Petition for the grant of the concession of the Anticipatory Bail and wherein, vide order dated 01.08.2024, he was granted ad-interim relief and was directed to join the investigation. In pursuance to the same, the Petitioner Gurdev Singh has joined the investigation on 05.08.2024 but he is not cooperating with the investigation. Despite of being shown the photographs, call recordings, he is denying his presence and he is not disclosing the fact where had he and his co-accused disposed of the fraud money. Therefore, his anticipatory bail is required to be dismissed.”

10. What further reflects from the investigation, is that the prosecution agency has collected the evidence to prove the source of funds of the complainant(s). Further the photographs, which were clicked at the time of transaction of money between the complainant(s) and other

accused persons, was also handed over to the prosecution agency, by the complainant. The Call Detail Records (CDRs), was also obtained by the investigating agency, which *prima facie* establishes the allegations, as levelled by the complainant.

11. What also reflects from the investigation, that the petitioner is an old associate of the main accused-Randhir Singh, whose bail application had been dismissed while drawing a detailed order dated 13.09.2024.

12. So far as the submissions made by learned counsel for the petitioner to the effect that the petitioner is not a Desa Singh is concerned, who was associating co-accused-Randhir Singh at the time of collecting money from the complainant(s), is bereft of any merits. It is specifically reflected during the inquiry that the complainant(s) was not aware about the real name of the petitioner (accused), and he mistakenly considered the present petitioner as Desa Singh.

13. For that account, learned counsel for the complainant draws attention of this Court towards the contents of the complaint, to the effect that in the complaint, the complainant(s) specifically mentioned that Desa Singh, has informed that his sons, Jaspal Singh and one Manpreet Singh, that he can take you to America through Turkey, if you are interested to go. The relevant para no.12 of the complaint reads as under:-

“12. That after it we have taken Panchayat at the house of Desa Singh and then Desa Singh said that my son Jaspal Singh and Manpreet Singh can take you to America through Turkey if you are interested to go. Then we have denied for it. Then above mentioned Desa Singh said that earlier we have sent 20-25 persons to America through Daiky and there my son used to take care for them. You should not worry and then (we)said that you have mentioned that you

will sent our person to America through Work permit, and when they have not given any satisfactory reply then we said that you return our entire amount. Then two three persons who were with Desa Singh, to whom I can identify if they come before me, have shown us the pistol with them, and said that if you have demanded money from anyone then we shall kill you with your family. The above mentioned Desa Singh and Randhir Singh and their family members said to us that we were to commit cheating on you and we have done it. You can do whatever you want to do against us. That the above mentioned persons in collusion with each other used to extend threat to me to kill me and my family.”

14. Learned counsel for the complainant further submits that there is no dispute that Jaspal Singh is in fact, the son of the present petitioner-Gurdev Singh, and he is a co-accused in the instant matter.

15. He finally submits that in the inquiry it is specifically reflected that petitioner-Gurdev Singh is the person who actively participated in commission of the instant crime.

16. In view of the above observations, it *prima facie*, reflects that the present petitioner actively participated in the instant crime. He not only cheated the gullible persons who want to go abroad for better life prospects, but also is one of the persons who received the amount alongwith co-accused. Randhir Singh.

17. Consequently, the instant petition, is hereby, **dismissed**.

18. All pending application(s), if any, also stand **disposed** of accordingly.

November 18, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No