



280 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-38436-2024
Date of decision: 29th August, 2024

Gagandeep Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Jagjeet Singh, Advocate for the petitioner.
Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of
Bhartiya Nagarik Suraksha Sanhita (for short 'BNSS') seeking anticipatory
bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
105	15.07.2024	Mukeria, Hoshiarpur	406, 420 and 120-B of IPC and Section 13 of Punjab Travel Professional Act (Regulation) Act, 2014

2. Brief facts of the case relevant for the purpose of disposal of
this petition are that the aforementioned FIR was registered on the basis of a
written complaint filed by the complainant Baldev Singh alleging therein
that the accused Jugraj Singh who is a travel agent, had induced him by

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making a representation that he could made arrangement for sending Amrish Dutt (son of the complainant) to France. By making such allurement, he had taken an amount of Rs. 2,50,000/- as advance money as well as passport of his son from him and assured that he would arrange for his son a work visa for France. In the month of August,2023, he telephonically informed the complainant about issuance of visa in favour of his son and on his asking, he had got transferred some amount of money through RTGS in his bank account. He had booked a ticket for a flight from Chandigarh to Mumbai on 02.09.2023 in the name of his son by saying that his son would firstly be taken to Turkey from Mumbai and then to Serbia. He made the complainant to transfer an amount of Rs. 8,00,000/- and then Rs. 4,50,000/- on 10.09.2023 and on 02.10.2023, respectively. His son was sent by the accused Jugraj to Serbia. On 02.10.2023, his son had informed him that his mobile phone, passport and Euros worth Rs. 2,00,000/- in Indian currency had been snatched and thereafter the complainant lost all contact with him.

3. The complainant contacted the co-accused Jugraj, petitioner and Joga Singh, owner of Trader Test Centre, all of whom had represented that they would be sending his son to France and requested them to apprise him about whereabouts of his son, they started putting off matter on one pretext or the other. While alleging that the petitioner and co-accused had taken a sum of Rs. 20,00,000/- from him and were still demanding more money and by suspecting that his son had been kidnapped, he prayed for taking action in the matter.

4. On the basis of the complaint filed by complainant, FIR has



been registered. Investigation proceedings were initiated and the same are underway. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Additional Sessions Judge, Hoshiarpur which was dismissed vide order dated 29.07.2024.

5. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. There is delay of nine months in lodging of the FIR. No missing report has been given by the complainant. No specific role has been attributed to him. No transaction of money had taken place between the petitioner and the complainant. Neither any allegation was levelled in this regard. Custodial interrogation of the petitioner is not required. Neither any recovery is to be effected from him. He is ready to join investigation. It is, therefore, urged that the petition deserves to be allowed.

4. *Per contra*, learned State counsel has resisted the contentions as raised by petitioner's counsel in terms of status report. It is argued that on receipt of complaint, inquiry was conducted in the matter and it was revealed that the petitioner was an associate with the main accused Jugraj who is a travel agent, in commission of subject offence. It is submitted that the petitioner had been actively associated with the co-accused and accompanied them when the complainant along with his family members and Sarpanch etc. had gone to meet the main accused Jugraj Singh to know about the whereabouts of his son who had gone missing after reaching. It is submitted that custodial interrogation of the petitioner is required for proper investigation of the matter by the police. Therefore, it is urged that the



petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. As per the allegations, the co-accused Jugraj Singh had induced the complainant to part with a sum of Rs. 20,00,000/- on the pretext of sending his son Amrish Dutt to France via Turkey and Serbia on work visa and the son of the complainant had gone missing after having been reached at Serbia and was not in his contact. The allegations as levelled against the petitioner are that he accompanied the co-accused Jugraj when the complainant had come to ask him(Jugraj) about the whereabouts of his son. There is neither any specific allegation in the FIR nor it has been revealed from the reply filed by the respondent-State that the petitioner in any manner had made any inducement to the complainant to part with any amount of money or had assured him to send his son abroad or any amount of money had been entrusted to him by the complainant.

7. Further, from the allegations as levelled, it has also not been revealed that the petitioner had hatched any conspiracy with the co-accused. On the basis of the simple allegation, that the petitioner accompanied Jugraj Singh at the time when the complainant had come to meet the former, does not mean that he was involved in commission of offences as alleged against the accused-Jugraj. These allegations are debatable which can be decided on the basis of evidence to be produced during the trial. However, apparently, neither custodial interrogation of the petitioner is required, keeping in view

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the allegations as levelled against him, nor any recovery is to be effected from him. As such, in my considered opinion, it is fit case for extending benefit of pre-arrest bail to the petitioner. Accordingly, the petition is allowed and the petitioner is ordered to be extended benefit of anticipatory bail, subject to his surrender before the learned trial Court within a period of ten days from the date of passing of this order and on his surrender within that period, he shall be released on bail by the learned trial Court on furnishing bonds to its satisfaction and the following conditions:-

- (i) the petitioner shall cooperate with the investigation and shall appear before the investigating officer/arresting officer as and when required.
- (ii) he 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/her from disclosing such facts to the Court or to any Police Officer.
- (iii) he shall not commit any similar offence while on bail.

8. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

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

[MANISHA BATRA]
JUDGE

29th August, 2024



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<i>Parveen Sharma</i>	<i>1. Whether speaking/ reasoned</i>	:	<i>Yes / No</i>
	<i>2. Whether reportable</i>	:	<i>Yes / No</i>