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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.38628 of 2024
Date of Decision: 13.11.2024

Sarabjit Singh ... Petitioner

Versus

The State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Madan Sandhu, Advocate,
for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
346	20.11.2023	City Rajpura, District Patiala	420, 406, 467, 468 and 471 of IPC

2. As per the prosecution case, the aforementioned FIR was lodged at the behest of complainant Parmveer Singh alleging that his elder brother Manveer Singh was running business of Immigration Consultancy under the name of M/s G.B. Immigration Consultants which was a duly registered firm having business licence. The complainant was living with his brother. In September 2022, the present petitioner and his wife Sukhbir Kaur who were running immigration consultancy under the

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name and style of KIWI Immigration Private Limited induced the complainant and his brother by representing that they owned a transport company under the name of Sandhu Transport in Canada and had been settling several persons therein. They also represented that they could provide work visa/permanent residency to the persons aspirant to settle in Canada. They also showed to the complainant Instagram accounts in the name of Sandhu Transport. They also allured the brother of the complainant and himself to work with them. On being so induced, the brother of the complainant started recommending his own clients to the petitioner and his wife. They even induced the complainant to settle abroad and demanded a sum of Rs.25 lakhs for this purpose. They took an amount of Rs.5 lakhs for expenses for biometric and Rs.5 lakhs as advance which was paid by the complainant. His biometric was done on 14.12.2022 and the petitioner and his wife gave appointment letters issued by VFS Canada on 14.12.2022.

3. As per the further allegations, on the demand of petitioner and co-accused, the complainant deposited another sum of Rs.20 lakhs through RTGS. The petitioner and co-accused prepared a forged visa and gave the same to the complainant. They also assured that the complainant would be provided permanent residency card before his departure but delayed the same. They initially sent the complainant to Dubai where he stayed for a period of one month at his own expenses. They provided electronic visa for USA and then for Canada both of which were found to be false and forged documents. The demand made by the complainant for refund of money was refused by them and rather the petitioner and co-accused started threatening

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the complainant. Initially a case under Sections 406, 420, 467, 468 and 471 of IPC was registered. Subsequently, offence under Section 13 of Punjab Travel Professional Regulation Act was added and it was found that the petitioner did not hold any licence from the competent authority. Investigation proceedings were initiated. During investigation, the presence of the petitioner was secured through production warrants as he was found to be in custody in some other case. He was joined into investigation on 03.02.2024 and was arrested. Investigation has since been completed. The petitioner had moved an application for grant of bail which has been dismissed by the Court of learned Additional Sessions Judge, Patiala vide order dated 22.05.2024.

4. It is argued by learned counsel for the petitioner that he has been implicated in this case on totally false allegations. No evidence as to transaction of money connecting the petitioner with the subject offences has been collected by the investigating agency. There is nothing on record to link him with the subject offences. The prosecution story is totally improbable and unnatural. The prosecution witnesses are interested ones. The petitioner is in custody since long. The subject offences are triable by Magistrate. He has a permanent abode. There are no chances of his absconding. He has been extended benefit of bail in most of the cases which have been registered against him. Therefore, it is urged that he deserves to be released on bail.

5. Status report has been filed by the respondent-State. Learned State counsel has vehemently argued that there are serious and specific

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allegations against the petitioner who is a habitual offender involved in 14 other cases of similar nature. He has duped several persons of huge amounts of money and has caused wrongful losses to them by cheating them and inducing them to settle them abroad by preparing forged and false documents/visas. There are chances of his committing similar offences, if extended benefit of bail. The material prosecution witnesses are yet to be examined. Therefore, it is urged that the petition does not deserve to be allowed.

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

7. The petitioner-accused is alleged to have induced the brother of the complainant to join his business of immigration consultancy and is then alleged to have induced the complainant to send him to Canada by providing work visa as well as permanent residency by representing that he was running a transport company in Canada. The complainant and his brother are alleged to have been duped of a sum of Rs.30 lakhs by the petitioner and as per the allegations, forged and fake documents were given to the complainant by showing that the same were visas issued for USA and Canada. The petitioner has placed on record copies of orders passed by the different Courts allowing the applications for grant of regular bail as filed by the petitioners which are Annexure P-4 (Colly). The petitioner is involved in 14 cases of similar nature. This fact had, however, been concealed by him in the petition filed by him. The allegations against the petitioner are quite serious in nature. The material witnesses are yet to be examined. The

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apprehension that he may intimidate the witnesses cannot be stated to be unfounded at this stage. Keeping in view the nature of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition does not deserve to be allowed at this stage. Hence, the same is dismissed.

13.11.2024
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(MANISHA BATRA)
JUDGE

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