



216.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39134-2024
Date of decision: 21.08.2024

Vijay Petitioner

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Vinod Ghai, Senior Advocate with
Mr. Arnav Ghai, Advocate for the petitioner.

Ms. Avneet AAG, Punjab.

GURBIR SINGH, J.(Oral)

1. Prayer in this petition filed under Section 439 Cr.P.C. (Corresponding Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023) is for grant of regular bail to the petitioner in FIR No.181 dated 16.05.2024, under Sections 420, 120-B IPC, 1860 and Section 24 of the Immigration Act and Section 13 of Punjab Travel Professions Regulations Act (added later on) registered at Police Station Zirakpur, District S.A.S. Nagar.
2. As per the allegations, the case of the prosecution is that on 16.05.2024, Sub Inspector Kuldeep Singh, along with other police officials, was on patrolling duty, when he received secret information that accused persons namely Gurpreet Singh, Parminder Singh and Vijay (petitioner) were illegally doing the work of Visa Consultancy, without any valid

**CRM-M-39134-2024****2**

license from the Government, thereby cheating the innocent people. Accordingly, raid was conducted at the disclosed place and all the three aforementioned accused were arrested on the same day i.e. 16.05.2024. Gurpreet Singh allegedly got recovered Rs.2.96 crores, Parminder Singh got recovered two photocopy of passports and some documents and accused Vijay (petitioner) got recovered one computer make ASUS. The accused persons were produced in the concerned Court on 17.05.2024 and their police remand was obtained for one day. During interrogation, on the basis of disclosure statement, co-accused Gurpreet Singh got recovered four passports, which were later identified by one of its bearers namely Kuldeep Singh, who also got recorded his statement that Gurpreet Singh introduced him with his partners Parminder Singh and Vijay (petitioner) and on assurance given to him to get Canada Visa, he handed over his passport along with three other passports to Gurpreet Singh to get the needful done. A sum of Rs.12 lakh was also handed over to Gurpreet Singh for this purpose.

3. Learned senior counsel appearing on behalf of the petitioner has argued that the petitioner has been falsely implicated in the present case. Petitioner is in custody since 16.05.2024. Investigation in the case has been completed and challan has been presented. Nothing is to be recovered from the petitioner. No useful purpose would be served by keeping the petitioner behind bars anymore. Even otherwise, co-accused of the petitioner has already been granted regular bail by this Court vide order dated 29.07.2024 passed in **CRM-M-30897-2024** titled as ***Parminder***

**CRM-M-39134-2024****3**

Singh Vs. State of Punjab. The completion of trial will take a long time.

So, the petitioner be released on bail.

4. Learned State counsel has opposed the bail petition by contending that it is a serious case of cheating the innocent people. Hard-earned money of public is extorted on the pretext of sending them abroad and petitioner is actively participating in this business, which is on a high rise in the Society these days. So, he does not deserve concession of bail.

5. I have heard the submissions of learned counsel for the petitioner, learned State counsel and have gone through the paper book.

6. The main allegations are against the co-accused. The petitioner was found present at the disclosed place, when the raid was conducted and computer was recovered from him. No doubt, his name also figured in the secret information, but nothing incriminating has been alleged to be found from the petitioner. The challan in this case has already been presented. It is question of evidence whether petitioner is involved in cheating the complainant. Culpability of the petitioner shall be decided during trial of the case.

7. Considering the fact that the petitioner is in custody since 16.05.2024, co-accused has already been granted regular bail by this Court, completion of trial will take a long time, this Court deems it appropriate to release the petitioner on regular bail.

8. Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released



on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate concerned with the further condition that petitioner shall surrender his passport in the trial Court and he shall get his mobile number registered on the CIS to receive messages and shall not change his mobile number during the pendency of the case except with the permission of Court concerned.

9. Nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

(GURBIR SINGH)
JUDGE

August 21, 2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No