

2024:PHHC:166385



233.

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

CRM-M-43746-2024

Date of decision: 12.12.2024

Maninder Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Girdhari Shanker Verma, Advocate, for the petitioner.

Mr. Rahul Mohan, Senior DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Present petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.272, dated 26.09.2023, under Sections 120-B, 406, 420 of IPC (Sections 467, 468 & 471 of IPC added lateron) registered at Police Station Sadar Rattia, District Fatehabad.

Learned counsel for the petitioner submits that in a magisterial trial, the petitioner has been in custody since 14.03.2024; investigation is complete qua the petitioner as challan stands presented. It has also been submitted that in the aforementioned facts and circumstances, further incarceration of the petitioner would serve no purpose, more so, when the case of the prosecution hinges on documentary evidence and there can, therefore, be no possibility of the petitioner tampering with the evidence which is already part of the challan. It has also been asserted by the learned

counsel that since charges have not yet been framed and are likely to be framed only on 21.12.2024 coupled with the fact that as many as 34 prosecution witnesses have been cited, there is no likelihood of trial concluding in the foreseeable future. Therefore, in the given circumstances, a prayer has been made to extend the concession of bail to the petitioner.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel opposite, has not disputed the custody period of the petitioner nor has he disputed on instructions from SI Satish, that the investigation is complete and challan stands presented qua the petitioner. However, learned State counsel has reiterated the allegations levelled against the petitioner in the FIR in question, which has been annexed as Annexure P-1 and is reproduced hereinunder:-

“To- Sir, Superintendent of Police Fatehabad. Subject: Complaint regarding taking action against: 1. Sukhjit Singh son of Gurmeet Singh, Mob. 8295077716. 2. Gurmeet Singh son of Not Known, resident of Village Nangal, Tehsil Ratia District Fatehabad Mob. 9813175766. 3. **Maninder Singh** (agent) resident of Kharar, Tehsil Kharar, District Mohali. Punjab Mobile No. 88473 26181 & 75087 03749. 4. Navneet Singh (Agent) resident of Chandigarh, Mobile No. 977097 3039 regarding commission of offence of fraud by making false pretext to provide VISA and have misappropriated an amount of Rs. 31,00,000/-(Rs.Thirty one Lacs). Sir, applicant is respectfully submitted as under: 1. That I applicant Balwinder Singh son of Mahinder Singh am permanent resident of village Chandokalan, Tehsil Rattia, Tehsil Ratia, District Fatehabad. Applicant is having 08 acres of agriculture land in his name. The son of applicant Akashdeep Singh has passed 12th standard. On 19.12.2021, the applicant's son has cleared his PTE Examination, on the basis of which, applicant's son had applied for study-visa for Canada but on 25.11.2022, a rejection regarding visa of applicant's son was received. 2. Thereafter, on 30.11.2022, applicant's son met with co-accused no.1 Sukhjeet Singh, who is classmate of his son, for visa of Canada and Sukhjeet Singh asked to his son to come to my house on the next day along with his father. 3. Thereafter, I applicant along with my son went to house of

accused no.1 Sukhjeet Singh in his village at Nangal Dhani and met him, where accused no.1 Sukhjeet Singh and accused no.2 Gurmeet Singh met them and they allured us and asked us to meet agents in Chandigarh for visa of Canada and accused persons above kept passport of applicant's son and told to them that they will talk further about the visa. 4. That on 04.12.2022, applicant and his son went to the disclosed residential address/house of accused no.3 **Maninder Singh**, an agent, at Kharar, Mohali, Punjab, where accused no.4-Navneet Singh, an agent, was also present there and both accused persons **Maninder Singh** and accused Navneet Singh allured us for providing visa of Canada and demanded Rs.31,00,000/- for visa purpose, out of which Rs. 40,000/- were promised to be given in advance, upon which, applicant and his son became agreed. When he and his son asked accused person to deposit Rs.40,000/- in their accounts on very next day, then accused persons started looking at each other and co-accused no.3 **Maninder Singh** agent gave his account and asked them to get work visa within 15-20 days and further told to keep remaining amount ready. 5. That on 05.12.2022, Rs. 10,000/- were transferred in the bank account of co-accused no.3 **Maninder Singh** as NEFT, through his (complainant's) bank account No. 00461000020365 with Punjab & Sind Bank Branch Ratia. Thereafter, accused no.1&2 assured to the applicant that they will get his work visa done soon, upon which on 26.12.2022, accused no.1&2 Sukhjeet Singh and Gurmeet Singh, informed them telephonically that their visa has been approved and accused persons asked them to come to Embassy at Delhi along with payment of Rs. 15,00,000/-, upon which applicant and his son went there along with payment of Rs. 15,00,000/-in cash, where all the accused persons found present, who showed them a visa on the passport and further asked them to hand over packet of currency notes and accordingly, applicant and his son handed over Rs.15,00,000/- to accused persons and accused persons further asked them to prepare for remaining amount and their ticket to Canada will be booked soon. 6. That on 27.01.2023, 03.02.2023, 08.02.2023, 18.03.2023 and they (applicant) paid a sum of Rs. 5,00,000/-, Rs. 3,00,000/- Rs. 2,00,000/-,Rs.1,00,000/-, respectively in the account of accused no.3 **Maninder Singh**, and on 27.03.2023 applicant further transferred an amount of Rs. 100.000/- in the account of accused no. 1 Sukhjiti Singh through RTGS. In this manner applicant had given total an amount of Rs. 27,40,000/-to accused above. The accused persons assured that the ticket of applicant's son Akashdeep for Canada would be booked till 05.04.2023 and accused persons further asked them to prepare for remaining amount of Rs.3,60,000/-7. Thereafter, accused no.1 & 2 Sukhjeet Singh

and Gurmeet Singh told to him that they have booked the ticket of Akashdeep for Canada on 05.04.2023 and he should give remaining amount of Rs. 3,60,000/-, upon which applicant had paid remaining amount of Rs. 3,60,000/- to accused no.1 & 2 Sukhjeet Singh and Gurmeet Singh in their house at village Nangal Dhani. 8. Thereafter, on 04.04.2023, accused no.3 **Maninder Singh** made a telephonic call and informed him/ applicant that the ticket of his son for Canada has been cancelled and they would book his ticket again soon. 9. Thereafter, on 09.05.2023, all the accused persons called to the applicant and his son at Delhi and told that ticket of Akashdeep has been booked and they would send him to Canada in 1-2 days and he/ applicant and his son were kept in Haveli Hotel, Paharganj for 03 days but accused persons did not give any satisfactory reply, upon which he/applicant and his son returned back to their house on 12.05.2023. 10. Thereafter, applicant and his son went to the house of accused no.1&2 Sukhjeet Singh and Gurmeet Singh in their house situated at village Nangal Dhani and asked them that they have cheated them in the pretext of sending abroad Canada and upon hearing this, accused persons got an enraged and told that they have committed fraud with you, you can do whatsoever you want. Thereafter, when applicant made telephonic call to accused no. 3 & 4 but accused persons pretended the matter on one pretext or other and told them that they would book ticket of his son for Canada within few days, but till date neither accused persons have booked ticket of his son for Canada nor they have returned his amount of Rs. 31,00,000/-. They have neither given any satisfactory reply regarding cancellation of ticket. 11. Thereafter when applicant enquired about visa, then it was found a fake document. Due to which the applicant and his son have suffered mental harassment. So it is requested to you kindly to take legal action against assailants above regarding commission of offence of cheating in the pretext of sending applicant 's son an abroad and misappropriated an amount of Rs. 31 lacs as well as his passport and issued a fake Visa/Ticket to the applicant's son and necessary stern legal action be taken against them. Sd/-Balwinder Singh, applicant-Balwinder Singh son of Mahinder Singh, Resident of Village Chando Kalan, Tehsil Rattia, District Fatehabad. Mobile No. 9728904105.”

Learned State counsel, on further instructions, has submitted that the petitioner is facing trial in one other case of similar nature.

I have heard learned counsel for the parties and perused the material placed on record.

The petitioner has been in custody since 14.03.2024 in a magisterial trial. Since challan already stands presented in a case which is based on documentary evidence, further incarceration of the petitioner would serve no purpose as there can be no apprehension of the petitioner tampering with the evidence.

In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

Accordingly, the instant petition is allowed and the petitioner be admitted to bail on him furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

December 12, 2024
sanjeev

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