(101)

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

**CRM-M-52266-2023**
**Date of Decision: 16.01.2024**

**NAVREET SINGH @ NAVNEET SINGH**

**... Petitioner**

**Versus**

**STATE OF HARYANA**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Mr. G.S. Verma, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G., Haryana.

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**JASJIT SINGH BEDI, J.**

The prayer in the present petition under Section 438 Cr.P.C. is for the grant of regular bail in case bearing FIR No.272 dated 26.09.2023 registered under Sections 120-B, 406 and 420 IPC at Police Station Sadar Rattia, District Fatehabad, Haryana.

2. The present FIR came to be registered at the instance of Balwinder Singh and the same reads as under:-

> *"FIR No.272, dated 26.09.2023, Under sections 120-B, 406, & 420 of IPC, registered at Police Station Sadar Rattia, District -Fatehabad, (Haryana).*
>
> *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 Rattiya District Fatehabad Mob. 9813175766. 3. Maninder Singh (agent) resident of Kharar, Tehsil Karar, District Mohali*

*Punjab Mobile No.8847326181 and 7508703749 4. Navneet Singh (Agent) resident of Chandigarh, Mobile No. 9770973039 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 Ratiya, 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 his 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. 40,000/- 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 Sukhjit 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 procrastinated 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."*

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. No amount had been received in the bank account of the petitioner. The name of the petitioner had been wrongly shown as Navneet Singh though his name was Navreet Singh. No specific allegations had been levelled against him. As the petitioner was ready and willing to join investigation, he was entitled to the concession of anticipatory bail.

4. An additional affidavit dated 13.01.2024 by way of an affidavit of Jaipal Singh, HPS, Deputy Superintendent of Police, HQ, Fatehabad has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. While referring to the reply, he contends that the petitioner is an accused in multiple FIRs. The details of which are as under:-

| Sr. No. | FIR No. and date | Sections | Police Station |
|---|---|---|---|
| 1. | FIR No.352 dated 10.12.2023 | 420, 406, 120-B IPC | Ratia, District Fatehabad |
| 2. | FIR No.18 dated 09.04.2022 | 420 IPC, 24 Emigration Act, 1953 and 13 Punjab Travel Professional Act | Sudar (Punjab) |
| 3. | FIR No.05 dated 10.01.2018 | 420, 120-B IPC | Thuliwal (Punjab) |
| 4. | FIR No.76 dated 01.08.2018 | 420, 406, 120-B IPC | Mehna (Punjab) |
| 5. | FIR No.15 dated 27.01.2018 | 420, 465, 467, 468 IPC | Bagha Purana, District Moga, Punjab |
| 6. | FIR No.53 dated 19.06.2012 | 420, 467, 468, 471, 120-B IPC | Mehna |

5. He further contends that the petitioner in collusion with the other accused had embezzled an amount of Rs.31,00,000/- from the complainant on the pretext of sending the complainant's son to Canada by arranging a VISA. In fact, the VISA had been found to be a forged one and the details were to be ascertained as to with whose assistance the said VISA had been fabricated. The details of the whereabouts of the other accused were also to be ascertained from the petitioner along with the names of other accused who were involved with the petitioner in the scam of cheating persons on the pretext of sending them abroad. As the offence was *prima facie* established, the petitioner was not entitled to the concession of anticipatory bail.

6. I have heard the learned counsel for the parties.

7. Admittedly, as per the prosecution case, the co-accused of the petitioner received a sum of Rs.31,00,000/- on the pretext of sending the son of the complainant abroad. However, the VISA provided was a forged and fabricated one. As per the contends of the FIR and the investigation conducted so far, the petitioner was in company with the other accused. Therefore, apparently, *prima facie* the offence stands established against the petitioner and his co-accused. Further he is a habitual offender with six other cases registered against him some of which are of a similar nature. In this situation, the custodial interrogation of the petitioner is certainly required to take the investigation to the logical conclusion.

8. In view of the above, I find no merit in the present petition. Therefore, the same stand dismissed.

9. However, the observations made hereinabove are only for the purposes of deciding this bail petition and the Trial Court is free to adjudicate upon the matter on the basis of the evidence led before it uninfluenced by any such observations made herein.

**(JASJIT SINGH BEDI)**
**JUDGE**

**16.01.2024**
JITESH

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