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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-53800-2023 (O & M)
Date of decision: 14.02.2024

Jasbant Singh @ Goldy Bajwa

..... petitioner

V/s

State of Punjab

...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Pradeep Panwar, Advocate, for the petitioner.

Ms. Amrita Garg, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition under Section 439 Cr.P.C. is for the grant of the regular bail to the petitioner in FIR No.162 dated 03.08.2022 under Sections 420, 120-B, 465, 467, 468 and 471 IPC & Section 24 of the Immigration Act registered at Police Station Division No.8, Ludhiana.

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

“Statement of Narinder Singh son of Jaswinder Singh, resident of village Bahibal kalan, Police Station Baja khana, Tehsil Jaito District Faridkot aged about 25 years, mobile No. 8360420003.

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That I am resident of above said address and I live with my family. I completed my post-graduation in 2017, now I'm doing agricultural work. I saw an advertisement of paramount immigration services; fountain Chowk, Ludhiana on my Facebook. If they apply for Canada tourist Visa, they will get it in 45 days. On dated 29.03.2022, I visited there with my father Jaswinder Singh where we met with Charanjit Singh owner of paramount immigration services to get Canada tourist visa. After about 2/3 days, I took my friend Nirmal Singh son of Sh. Sher Jun, resident of village Ran Singh Wala, Tehsil Jaito, Police Station Baja Khana, District Faridkot and Harpreet Singh son of Kaur Singh, resident of Bahibal Kalan, Police Station Baja Khana District Faridkot to meet with Charanjit Singh at Ludhiana. We three friends handed over our documents like Aardhar Card, PAN Card, Passport and Education Certificate to Charanjit Singh. After which Charanjit Singh called me in his office on 15.06.2022 and applied my file. On 22.06.2022 my finger print were done at VFS office, Elante Mall, Chandigarh. After one month later, Charanjit Singh had called to me in his office and showed me the passport request from Chandigarh Embassy on his computer, which I accepted as correct. After about one week I got a phone call from Charanjit Singh from his mobile No. 8872743445 that your Canadian tourist visa has been issued, take your passport and pay the fixed amount cash. On 31.07.2022 I and my friends Nirmal Singh son of Sh. Sher Jung and Harpreet Singh son of Kaur Singh came to the office of Paramount Immigration Services, Fountain Chowk, Ludhiana, but Charanjit Singh was not present in the office, a person was sitting there whose name was Goldy Bajwa, who handed over our Canadian visa passport and we paid Rs.8,50,000/- per person and total Rs. 25,50,000/- cash to Goldy Bajwa, of which We also made a video from the Mobile phone. This amount was withdrawn from

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my father Jaswinder Singh's HDFC bank account No. 50100017636459, statement of bank account will be provided. When we reached our city, Kotakpura in evening, where we showed our Canadian visa passport to knowledgeable person then we got to know that it was fake. On dated 01.08.2022 I called Charanjit Singh to inform that this visa was fake, but his phone was switched off. On 02.08.2022 Charanjit Singh WhatsApp me that we have to work together from now, I will definitely get your visa, I had been cheated, I will return your money. After which Charanjit Singh phone was getting switched off. We had come to the Paramount Immigration Services, Fountain Chowk, Ludhiana office in search of Charanjit Singh. But the office was closed. So that legal action would be taken against Charanjit Singh alias Amrit Sohal Director Paramount Immigration Services, Fountain Chowk, Ludhiana and cashier Goldy Bajwa. Statement has been recorded and listen”.

3. The learned counsel for the petitioner contends that the petitioner had been falsely implicated in the present case. The petitioner was not a beneficiary in any manner and was only working as a Cashier. It was Charanjit Singh who was the owner/proprietor of M/s Paramount Immigration Services. Charanjit Singh himself had taken the premises on rent. The petitioner, Manpreet Kaur and one Amit were employees of Charanjit Singh. Though, there were other cases registered against the petitioner, even in the said cases, the allegation was that he had received money while working with Charanjit Singh. As the petitioner was in custody since April 2023 and none of the 27 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

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4. The learned counsel for the State has filed a short reply dated 10.01.2024 which is taken on record. While referring to the said reply, she contends that the petitioner and his co-accused allured the complainant and provided fake Canadian Visas. As per investigation, as many as 18 victims had been defrauded for a total amount of Rs.1,11,74,000/-. Therefore, the magnitude of the fraud coupled with fact that the petitioner was an accused in three other cases arising out of FIR No.263 dated 11/11/2022 under Sections 420, 120-B, 467, 468, 471 IPC, Police Station Division No.8, Ludhiana, FIR No.80 of 2023 under Sections 420, 120-B, 467, 468, 471 IPC, Police Station Division No.8, Ludhiana and FIR No.130 dated 18.06.2021 under Sections 380, 451, 506, 427 and 34 IPC, Police Station Daresi, District Police Commissionerate, Ludhiana, he was not entitled to the concession of bail.

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

6. This Court in the case titled as ***Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab bearing CRM-M24033-2021(O&M) Decided on 31.08.2022*** has held as under:-

“Therefore, broadly speaking (subject to any statutory restrictions contained in Special Acts) , in economic offences involving the IPC or Special Acts or cases triable by Magistrates once the investigation is complete, final report/complaint filed and the triple test is satisfied then denial of bail must be the exception rather than the rule. However, this would not prevent the Court from granting bail even prior to the completion of investigation if the facts so warrant.”

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7. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated during the course of the Trial. Admittedly, the petitioner is in custody since April 2023 and none of the 27 prosecution witnesses have been examined so far. Therefore, the Trial in the present case is not likely to be concluded anytime soon. The present case is Triable by the Court of a Magistrate and no serious apprehension has been expressed by the State that the petitioner would abscond from justice, tamper with the evidence or influence witnesses if granted the concession of bail. Therefore, in this situation, the further incarceration of the petitioner is not required.

8. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Jasbant Singh @ Goldy Bajwa is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other case/crime other than the case(s) referred to in this order.

10. If any attempt whatsoever is made by the petitioner and/or his family members/friends to contact/threaten/intimidate any of the witnesses of the present occurrence, the State/complainant shall be at liberty to move an application for cancellation of bail granted vide this order.

11. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the

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Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.

12. The present petition stands disposed of.

February 14, 2024
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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