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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRM-M-52646-2024
Date of decision: 14th November, 2024

Kulwinder Singh

Versus

State of Punjab

...Petitioner

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Aman Mittal, Advocate for the petitioner.
Mr. Satjot Singh, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
28	25.06.2024	City Ahmedgarh, District Malerkotla	420, 465, 467, 468 and 471 of IPC, 1860 (Section 120-B of IPC added later on)

2. As per the prosecution case, the complainant Daljit Singh lodged a complaint alleging therein that he was owner of Global Travels which was engaged in the business of selling Air Tickets. From few months, he had been buying air tickets for his customers from accused Amit Kumar and Harpreet Singh. Air tickets worth Rs. 1,50,00,000/- had been purchased by him from the above accused and the amount due was deposited in their respective bank accounts. The complainant alleged that fifty of such air tickets which had been purchased by him for his customers, from the

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accused Amit Kumar and Harpreet Singh, were found to have been got cancelled by them. The customers came to know about this fact when they reached at the airport and it was revealed there that whole of refund amount of those tickets had been taken on the day of purchase itself. His customers were compelled to purchase tickets at much higher prices and the complainant was made to give refund of the amount paid by the customers, from his own pocket. The complainant contacted Amit Kumar and Harpreet Singh who while admitting their wrong, promised to make good the loss by returning the amount given to them for purchase of tickets but subsequently refused to do the same, while extending threats. The complainant suffered loss to the tune of Rs. 60,00,000/- and his business reputation had also been lowered down due to act and conduct of Amit Kumar and Harpreet Singh. On filing of the complaint and after registration of FIR, investigation was conducted and it was revealed that the accused Amit Kumar and Harpreet Singh @ Gurvinder in connivance with each other, had sold 100-125 tickets to the complainant. The amount of those tickets which was Rs. 1,17,20,000/- had been deposited by the complainant in the bank account of 'World Wide Travels' run by accused Harpreet Singh @ Gurvinder. These accused subsequently got cancelled tickets worth Rs. 46,00,000/- and also forged some air tickets and had not given twenty seven air tickets thereby causing huge loss of money to the complainant. It was also revealed that the present petitioner was also conniving with the co-accused Harpreet Singh and an amount of Rs. 1,30,000/- had been deposited in the joint bank account of petitioner and Harpreet Singh, out of the amount paid by the customers of



the complainant/complainant. Apprehending his arrest, the petitioner had moved an application for grant of pre-arrest bail, which was dismissed by the Court of learned Additional Sessions Judge, Sangrur vide order dated 01.10.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case due to being father of the accused Harpreet Singh. He was not named in the FIR. There are no allegations of his making any inducement to the complainant to part with money. Neither the allegations of committing forgery nor use of any forged tickets and documents have been levelled against him. He is an uneducated person having no knowledge about business of sale/purchase of air tickets. Allegations against him are vague. He is ready to join the investigation. His custodial interrogation is not required. There is no allegation even in the FIR that he had hatched any conspiracy with the co-accused. The account in which an amount of Rs. 1,30,000/- was deposited is the joint account of his son and himself. His son has already paid an amount of Rs. 8,00,000/- to the complainant. With these broad submissions, it is urged that the petitioner deserves to be released on bail.

4. Status report has been filed by the respondent-State. It is argued by learned State counsel that the complainant had recorded supplementary statement before the Investigating Officer giving details of the amount received by way of cheating by the petitioner and the co-accused. It was revealed during investigation that the petitioner connived with the co-accused in cheating the complainant. The allegations against him are serious.



His custodial interrogation is required for conducting thorough investigation of the matter by the police. Therefore, it is urged that the petition does not deserve to be allowed.

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

6. As per the allegations, the complainant had been purchasing air tickets for his customers from the co-accused Harpreet Singh who is son of the present petitioner and after issuance of tickets to the customers of the complainant, the co-accused Harpreet Singh in conspiracy with the co-accused Amit had got cancelled some of those air tickets and took refund of the amount of those tickets which was misappropriated by him and some fake tickets were also issued. The petitioner was not named in the FIR and he was named by the complainant in his supplementary statement. There is no specific allegation that there was any dishonest inducement on the part of the present petitioner to the complainant to part with money. The allegations of forgery are also not *prima facie* made out against the present petitioner. An amount of Rs. 1,30,000/- is shown to have been deposited in the joint bank account of the petitioner and his son. It is revealed from the order passed by learned Additional Sessions Judge, Sangrur on 24.09.2024 that the petitioner had been directed to join the investigation. There is nothing on record to show that he did not join the same or did not co-operate with the same. It is a debatable question as to whether the subject offences have been made out as against the present petitioner. As such in the considered opinion



of this Court, it is a fit case for extending benefit of pre-arrest bail to the petitioner. Accordingly, the petition is allowed and the petitioner is ordered to surrender before the Investigating Officer/Arresting Officer within a period of ten days from today and subject to his furnishing personal as well as surety bonds to the satisfaction of the investigating/arresting officer. It is further ordered that if he fails to join the investigation within a stipulated period, this petition shall be deemed to be dismissed. The petitioner shall also abide by the following conditions:-

- (i) the petitioner shall cooperate with the investigation and shall appear before the Investigating officer/arresting officer as and when required.
- (ii) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer.
- (iii) he shall not commit any similar offence while on bail.

7. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

14th November, 2024

Parveen Sharma	1. Whether speaking/ reasoned	:	Yes / No
	2. Whether reportable	:	Yes / No