

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

CRM-M-54474-2024
Reserved on: 02.12.2024
Pronounced on: 19.12. 2024

Gurjinder Pal Singh @ Jaspreet ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sonpreet S. Brar, Advocate, for the petitioner.

Mr. Rajat Gautram, Addl. AG. Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
78	03.04.2024	Safidon, District Jind	406, 420 IPC (later on added Sections 467 and 201 IPC)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per paragraph 5 of the bail application and para 5 of the reply, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	52	28.03.2024	420, 406, 506, 120-B IPC	Jhansha
2.	85	29.04.2024	406, 420 IPC & 10, 24 of Emigration Act	Thanesar
3.	24	02.05.2019	420, 406 IPC	Sadar, Pathankot (Punjab.
4.	20	20.03.2024	420 IPC	Bhani Miya District Gurdaspur (Punjab)
5.	17	23.01.2024	406, 420, 120-B IPC & 10, 24 of Emigration Act	Farukh Nagar
6.	225	07.08.2024	406, 420, 467, 471 IPC	Sadar Safidon

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“2 (iii) The complainant alleged that the accused, Sukhwinder, son of Zile Singh, is a resident of his village and was known to him and his family.

Sukhwinder said to the complainant that he and his associates could send people abroad at a low cost with guaranteed success. Using persuasive language, Sukhwinder convinced the complainant of his claims. Subsequently, Sukhwinder introduced the complainant to his friend, Amrit, a resident of village Aftabgarh. Amrit, in turn, introduced them to his uncle, Jasvir Singh, a resident of Urlana Kala who is currently living in Assandh. Amrit assured the complainant that Jasvir Singh was a licensed agent running a business in Assandh and working in collaboration with a well-known agent, Sulkhan Singh alias Ajay, and his associate, Neeraj Saini. He further guaranteed that these individuals fulfilled their promises and successfully send people abroad for a fixed fee. Convinced by Amrit's assurances, the complainant agreed to proceed. Amrit informed the complainant that Jasvir Singh had asked him to come to Assandh with all necessary documents and an amount of ₹50,000 as security. A few days later, the complainant, accompanied by Sukhwinder and Amrit, visited Jasvir Singh's house/office. The complainant handed over his original documents, including his passport, along with ₹50,000 to Sukhwinder. Sukhwinder then passed these documents and the money to Jasvir Singh. Approximately 1 to 1.5 months later, Sukhwinder informed the complainant that Jasvir Singh had contacted him, stating that the process to send the complainant abroad had commenced. Jasvir Singh demanded an additional ₹6 lakh. On April 10, 2023, the complainant and Sukhwinder went to HDFC Bank, Safidon, where the complainant transferred ₹6 lakh to Jasvir Singh's account (A/C No. 922020056793832) via RTGS Cheque No. 000004. Shortly after this payment, Sukhwinder informed the complainant that Jasvir Singh had asked them to visit his office in Assandh, thus the complainant along with Sukhwinder went to the house /office of the Jasvir Singh in Assandh where Jasvir Singh told the complainant that they have to go to Sulkhan Singh alias Ajay and his wife Neeraj Saini resident at Gharonda District Karnal for further discussion thereafter all of them went to Sulkhan Singh alias Ajay's house, from there all of them i.e. complainant, Sulkhan Singh alias Ajay, Neeraj Saini and Sukhwinder along with Jasvir proceeded to Chandigarh in the Car of Sulkhan Singh alias Ajay. On their way to Chandigarh, Sulkhan alias Ajay said that it will take a lot of time to reach Chandigarh thus he called the person from Chandigarh namely Jaspreet, to come at Ambala, saying that it would save time. At Ambala Jaspreet was found already standing there with his Car bearing Reg. No. PB06 AM-9567. At Ambala Ajay and others gave some money to Jaspreet Singh and took an additional ₹10,000 in cash from the complainant. Despite all these payment, the complainant has not been sent abroad to Canada or any other country. When he demanded for his amount of ₹6.60 lakh, the accused initially requested more time, later made excuses, and eventually refused to return the money. When the complainant protested, the accused verbally abused him and

even threatened to kill him. The complainant now seeks strict legal action against the accused persons.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State’s counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“6. That with regard to the complicity of the petitioner in the present case, it is submitted that during the course of the investigation, sufficient incriminating evidence was found against the accused/petitioner, Gurjinder Pal Singh @ Jaspreet. He is the leader of the accused group and has received the major portion of the amount. Furthermore, it was Gurjinder Pal Singh @ Jaspreet who prepared the Fee Receipt for payment of STCLAIR University Canada and the amount of ₹50,000/- was recovered based on the information provided by the accused/petitioner, Gurjinder Pal Singh @ Jaspreet.”

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per paragraph 4 (vi) of the bail petition, the petitioner has been in custody since 13.06.2024. Per the custody certificate dated 29.11.2024, the petitioner’s total custody in this FIR is 05 months and 29 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner’s complying with the following terms.
12. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.
13. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.
14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
15. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.
- 16. Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

19.12.2024
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Whether speaking/reasoned: Yes
Whether reportable: No.