



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

232

**CRM-M No.308 of 2025
Date of decision : 27.3.2025**

Gurdeep Singh**.....Petitioner****Versus****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. G.S. Kaura, Advocate and
Ms. Kamaldeep Kaur, Advocate, for the petitioner
Mr. Inderjit Singh Ladher, DAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 439 of Cr.P.C./483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.365 dated 19.9.2023, under Sections 406 and 420 of the IPC and Section 24 of Immigration Act, 1983 registered at Police Station Sohana, District SAS Nagar (Mohali).

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'To S.S.P. Sahib, S.A.S Nagar (Mohali)' Subject :-Gurdeep Singh s/o Jarnail Singh resident of Village Bakarpur, Tehsil and District S.A.S. Nagar, Mohali, Punjab, Mobile No 99151-58819, +44773347653 (2) Lavleen kaur wife of Sh. Gurdeep Singh resident of village Chat, tehsil Derabassi, District S.A.S. Nagar, Mohali, Punjab +447404554438 regarding fraud for sending to abroad. Sir, it is requested that I, Nisaar Ali son of Sh Raj Ali is resident of village Nadiali, tehsil and District S.A.S. Nagar, Mohali, Punjab, Gurdeep singh is known to me who said to me that he will send me to England which will cost Rs 13 lakh. Both of



them together took Rs 7,00,000/- in installments through online mode but did not do any work for me. Whenever I used to call them they used to linger on the matter. When I used to visit their home they used to harass me, make me sit whole day and in the evening they would say that you should talk to them. By doing this, they wasted a lot of my time. Due to which I could not do any other work. I spent a lot of amount visiting them. My family members keep scolding me in the name of wasting money due to which I am mentally disturbed. These people are openly cheating and have cheated many other persons as well. When I told them that I will report against them to police then their reply was that our reach is up to the high ups, you can't do anything to us. Instead threatened me that if you discuss this matter again or enter here then I will implicate you in a false case. I had taken the abovesaid amount on interest which I gave to the above said group. Earlier their family used to talk about returning the amount. But now are threatening me that they will not return any amount. Therefore, by submitting this application, it is requested that strict legal action be taken against the said group under the relevant sections relating to cheating in the name sending abroad, asking for money and entrapment in a false case and regarding conspiracy with intent to cheat and steps be also taken to return my amount so that this group never cheat's any other person. I will be grateful to you. Thanking you yours faithful SD/-Nisar Ali son of Sh Raj Ali resident of village Nadiali, tehsil and District S.A.S. Nagar, Mohali, Punjab, mobile No 81969-89908 -89908.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 7.11.2024. Learned counsel has further iterated that the petitioner and the complainant were on friendly terms and the complainant had earlier asked his help for going abroad which the petitioner had obliged on friendly terms only. Learned counsel for the petitioner has further argued that, later on a dispute arose between them on which account the petitioner has been falsely implicated into the FIR in question. Thus, regular bail has been prayed for.

4. Learned State counsel has opposed the present petition by



arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 27.3.2025 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 7.11.2024 whereinafter investigation was carried out and challan was presented on 3.3.2025. Total 10 prosecution witnesses have been cited and none has been examined till date. It is, thus indubitable, that culmination of the trial will take its own time. The rival contentions giving rise to debatable issues which shall be essentially ratiocinated during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 27.3.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of four months and sixteen days.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However,



in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

27.3.2025
Ashwani

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