

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

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**CRM-M-354-2025 (O&M)
Date of decision: 24.01.2025**

Raju Sahota @ Raju**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Balbir Kumar Saini, Advocate
for the petitioner.

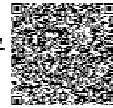
Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Through the instant petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), the petitioner seeks anticipatory bail in case FIR No. 153, dated 25.09.2024, under Sections 420, 465, 467, 468, 471, 120-B of IPC and Section 13 of Punjab Travel Professionals (Regulation Act, 2014), registered at Police Station City South Moga, District Moga.

2. As per allegations, accused Shamsher Singh, by inducing complainant Gurjinder Singh to settle him abroad, had demanded a sum of Rs. 15 Lakhs by assuring that he would arrange a visa for him. On his asking, the complainant initially transferred an amount of Rs. 5,50,000/- in the bank account of co-accused Karan Partap Singh and then a sum of Rs. 3,00,000/- in the bank account of accused Shamsher Singh. An amount of Rs. 6,50,000/- was given by him in cash to accused Shamsher Singh on 05.04.2023 in the presence of the present petitioner and one Gurdial Singh. The complainant alleged that a visa was handed over to him by co-accused Karan Partap Singh,

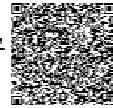
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which was found to be fake. The accused despite assuring him to return his money had failed to do so, thereby causing wrongful loss to him with dishonest intention. After lodging of the complaint by the complainant, initial enquiry was conducted by the DSP, Special Crimes, Moga and the allegations levelled by the complainant against the co-accused were found to be genuine. FIR was formally registered. Investigation proceedings have been initiated and the same are underway. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Moga but the same had been dismissed, vide order dated 08.10.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There are no allegations that there was any inducement on the complainant by him to part with any amount of money on the pretext of sending him abroad. He is not a travel agent. No money had been given in his presence to the co-accused as alleged by the complainant. He is a physically handicapped person. As per the allegations in the FIR, the money, if any, was transferred in the bank account of co-accused Karan Partap Singh and Shamsheer Singh and not into his bank account. He is not a beneficiary of the money received from the complainant. The only allegations against him are that in his presence, the complainant had given aforesaid amount of money to co-accused, which does not connect him with the subject offences. His custodial interrogation is not required. Neither any recovery is to be effected from him. His detention would not serve any useful purpose. Therefore, it is argued that the present petition deserves to be allowed and the petitioner deserves to be extended benefit of anticipatory bail.

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4. Status report has been filed by the respondent-State. Learned Assistant Advocate General, Punjab has argued that keeping in view the gravity of allegations, the petitioner does not deserve to be extended benefit of anticipatory bail. Hence, it is urged that the present petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The case as set up by the prosecution is that co-accused Shamsher Singh by hatching conspiracy with the present petitioner and co-accused Karan Partap Singh had duped complainant of a sum of Rs. 14,50,000/- on the pretext of sending him abroad and settling him there. The allegations as levelled against the present petitioner are that out of the aforementioned amount, Rs. 6,50,000/- was given in cash to co-accused Shamsher Singh in the presence of the petitioner. It is a debatable question as to whether the petitioner had any knowledge of commission of the offences, which are alleged to have been committed by the co-accused. Keeping in view the part which has been attributed to him and the attendant facts and circumstances of the case, I am of the considered opinion that no useful purpose would be served by detaining the petitioner into custody. Accordingly, the present petition is allowed and the petitioner is granted concession of anticipatory bail subject to the condition that he would surrender before the Investigating Officer within a period of ten days from today and in that eventuality, the Investigating Officer/Arresting Officer shall release him on bail, on furnishing personal/surety bonds to his satisfaction by the petitioner. The petitioner shall abide by the terms and conditions as envisaged under Section 482(2) of BNSS.

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7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

24.01.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No