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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2947-2025
DECIDED ON: 21.01.2025

SHOKAT ALI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Saransh Sabharwal, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.0105, dated 02.10.2024, under Sections 420, 120-B of IPC and Section 24 of Immigration Act, registered at Police Station Jodhewal, District Police Commissionerate.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

"At present it is reported that an application PGD Nọ 363657, Complaint No: 362995 Dated 12.06.2024 from Manjot Saini son of Shri Gurdev Singh resident of House Number 3639, Street Number 8, Gagandeep Colony, Police Station Jodhewal, • Ludhiana. Phone 88473-58834, has been received by. post in Police Station for registration of case, the contents of which is as under:- "To, Respectable Commissioner of Police, Ludhiana. Subject:- Application against Manveer Singh (Mobile 91435-00011) Rajvir

Kaur wife of Manveer Singh, Paramveer Singh (Phone: • 70099- 52250) Residents of House No. 34, Old Ganesh Nagar, Ward No. 13, Rajpura, District Patiala Owners of G.B. Immigration Consultants, Under Bridge, Near. Car Bazar, Rajpura, Patiala, Office Clerk Mishu Ali (Phone: 96466-61112) in connivance with each decoying to send abroad to Canada on Visitor Visa, after receiving Rs. 18,00,000/- gave fake visa and commission of fraud and after submitting an application number P.G.D. 248445 dated 17-10-2023 on dated 16th April 2024 arrived at a compromise and after giving Rs.7,00,000/- now flatly refused to pay pending amount of Rs.11,00,000/- and threatening to have their approach, application for initiating legal action. Sir, it is requested that I am Manjot Saini son of Sh. Gurdev Singh I am a resident of House No. 3639, Street No. 8, Gagandeep Colony, Police Station Jodhewal, Ludhiana and do hereby requests as under:- 1. I was aspirant to go abroad, in this connection my all friends knew it, one of my acquaintances Mandeep Singh had told me about Manveer Singh and said that Manveer Singh is also doing work of sending abroad and had also told about his office. 2. Thereafter in the month of January 2023 I went to the office of G.B. Immigration at Rajpura where I met Manveer Singh, his wife, Paramveer Singh and Misu Ali. With whom I talked about going abroad at Canada on tourist Visa, then above named persons said that they have sent many persons in different Countries and settled them, in addition to this, Manveer Singh and his wife also shown me the documents regarding Visas of different Countries and made me believe that they shall also send me. to Canada on Tourist Visa. 3. Manveer Singh and others demanded Rs.25,00,000/- in lieu of sending me as a tourist Visa abroad in Canada and when I told them that I do not have such a huge amount, our matter was settled against total of Rs.18,00,000/- 4. A few days after that, I received a phone call from G.B. immigration office and asked for my passport, so I gave my original passport by visiting G.B. Immigration then above named had assured me that they shall send me soon to Canada on Tourist Visa. After that I got a call from Manveer Singh again who demanded all my documents, Aadhaar card, PAN card, all education documents and blank signed papers, Passport Size Photographs, as PDF, which I had sent on Manveer Singh's mobile number. 5. Till the month of March 2023 I kept on waiting for my Visa and I have been talking to Manveer Singh and others on the phone repeatedly. On 2nd May 2023 I received a letter from G.B Immigration regarding sending passport request to Canada Embassy on my WhatsApp number but received that your passport has been sent to Canada Embassy and visa will come soon and demanded sum of Rs. 10,00,000/- from me. Then on dated 07.05.2023 I went *to said immigration office along with my relatives where all the persons were present and said that you should deposit Rs. 10,00,000/- But I requested that at present I do not have such money in cash and at present I can give only Rupees 3 lakh, so they told me that you may deposit Rupees 3 lakh rupees for now. 6. Thereafter upon again demanding money by G.B. Immigration, so on dated 11-05-2023 I deposited sum of Rs. 3,00,000/- online in the Bank account of G.B. Immigration. 7. On 25-05- 2023 I received a phone call from Manveer Singh that your visa has arrived who sent a copy of my Visa upon my mobile on dated: 26-05-2023 through WhatsApp. 8. After this, when Manveer Singh and others demanded more money, transferred Rs. 8,00,000/- in the Bank Account of G.B Immigration online on dated 29-05-2023 and demanded a copy of my Passport and Visa from them, they said that until I pay them the remaining amount of Rs. 7,00,000/-, they will not give the Passport and copy of Visa, that's why I transferred sum of Rs. 7,00,000/- on dated 1-06-2023 in the Bank Account of G.B Immigration as did before. 9. Later above-named persons sent me a copy of passport and Visa upon my mobile number through WhatsApp and said that he will soon send me abroad to Canada and Manveer Singh and others were in constant conversation with me over phone. On 14th June 2023, they also sent me the Air Ticket in which the date of my flight to Canada was dated on dated 7th July 2023. 10. Later, when I checked the Air Ticket sent by them online, it was found that it is fake, after that when I also get checked the Visa documents sent by them, I found that same are also fake. 11. Regarding the fraud committed by them, I tried to solve the matter by talking with them many times, during this Manveer Singh gave me 2,00,000/- through UPI in • the month of August 2023 and started making evasiveness to pay balance amount, resultantly I had submitted*an application Number P.G.D. 248445 dated 17-10-2023 against them, after submitting the appliçation Manveer Singh gave me Rs.4,00,000/- in cash on 7th November 2023 and Rs.1,00,000/- on 13th November 2023 through U.P.I. and Manveer Singh gave me. a cheque of Res. 11,00,000/- by filling it in my name dated 16th April 2024 and the application was closed. 12. When I deposited the cheque given by Manveer Singh in my Bank account it failed, after that I tried several times to communicate with Manveer Singh, his wife, Paramveer Singh and Mishu Ali but they did not pick up my phone. 13. Sir, Kindly initiate appropriate legal action against Manveer Singh, his wife, Paramveer Singh and Mishu Ali for defrauding me and justice may be served to me. I shall be grateful to you. Yours wisher Sd/- Manjot Saini son of Sh. Gurdev Singh Resident of House No. 3639, Street No, 8,, Gagandeep Colony, Police Station Jodhewal, Ludhiana. Phone: 88473-58834. That investigation of* *above mentioned application was conducted by Respectable Assistant Commissioner of Police, North Ludhiana, who wrote in his investigation report that upon examination of the application, statements of witnesses and reading the documents carefully, it has been found that the opposite Party Manveer Singh, G.B. Immigration Consultants Under Bridge near Car Bazar Rajpura Patiala, Paramveer Singh, Rajvir Kaur, Mandeep Singh and Shaukat Ali alias Mishu in connivance with each other settled with the applicant Manjot Saini to send him abroad on Visitor Visa against sum of Rs. 18 Lac. On dated 02.05.2023 opposition party Manveer Singh and others had sent approval letter of overseas Canada to applicant Manjot Saini and opposition parties Manveer Singh, Paramveer Singh, Rajvir Kaur, Mandeep Singh and Shaukat Ali alias Mishu repeatedly used to ask applicant Manjot Saini to transfer money in the Bank account of G.B. Immigration. Whereby the applicant Manjot Saini on dated 11.05.2023 transferred sum of Rs. 3 Lac through RTGS in the Bank account Number 50200059052886 of G.B. Immigration. On dated 26.05.2023 Agent Manveer Singh sent Sticker Visa of abroad Canada to the applicant Manjot Saini through Whatsapp and said to him that your Visa has arrived, you may pay your balance payment and take your-Visa. Then application Manjot Saini deposited sum of Rs.8 lakhs through RTGS on 29-05-2023 and Rs.7 lakhs through RTGS on 01-06-2023 in Bank account number 50200059052886 of G.B. Immigration. Thus a total of 18 lakh Rupees was given to the opposition party Manveer Singh in the account of G.B. Immigration. On 15-6-2023, Agent Manveer Singh and others sent the Air Ticket of Abroad Canada to the applicant Manjot Saini. When the applicant Manjot Saini get the Air ticket of Canada sent by opposition agent Manveer Singh and others checked online through Airline, the Air ticket was found as fake. Then applicant Manjot Saini got suspicion, so he get the Sticker Visa upon the Passport checked and file number which was sent by opposite Party Manveer Singh and others from the Embassy and the Canada sticker visa was found as fake. That photocopies of the fake approval letter, fake Canada sticker Visa, fake Air ticket are attached herewith. Then the applicant Manjot Saini repeatedly visited the office of G.B. Immigration and discussed with Agent Manveer Singh, Paramveer Singh, Rajvir Kaur, Mandeep Singh and Shaukat Ali alias Mishu regarding fake Visa and for returning of money then Agent Manveer Singh and others kept on making evasiveness to the applicant and kept on making false pretexts. Then Agent Manveer Singh, Paramveer Singh and others said that we shall return your amount soon. They returned sum of Rs. 2 Lac to the applicant Manjot Saini through UPI and did not return the remaining Rs 16 lakh, then the applicant moved an application. In concern of this application* *number P.G.D. No. 248445 dated 17-10- • 2023 C.P. Ludhiana, on dated 7-11-2023, an agreement was entered into between the opposite party Manveer Singh son of Gurwinder Singh resident of House No. 43, Ganesh Nagar, Rajpura Patiala, and the opposite party Manveer Singh returned sum of Rs. 4 lakh rupees to the applicant and sum of Rupees One lakh rupees they shall deposit in the account of the applicant Manjot Saini on dated 13-11-2023 and the remaining amount of Rs.11 lakhs shall be given on 07-12-2023. The opposite party agent Manveer Singh had deposited sum of Rs. 1 Lac in the account of the applicant Manjot Saini on dated 14.11.2023. Then remaining 11 lakh rupees of Manjot Saini remained due. That the applicant Manjot Saini kept on demanding his remaining amount of 11 lakh rupees from the agent Manveer Singh repeatedly, they kept on lagging and avoiding. That, Agent Manveer Singh and others while entering into an Agreement with the applicant Manjot Saini on dated 7-11-2023 and turned away. Then on dated 13-4-2024 the applicant Manjot Saini had entered into an agreement with the opposite party agents Manveer Singh, Paramveer Singh and Shaukat Ali alias Mishu, the photocopy of which is enclosed. On dated 16-04-2024, Agent Manveer Singh gave a cheque of Rupees 11 Lac in respect of the remaining amount of his Account No. 50100431243264 issued by HDFC Bank, Chequé No: 000014 dated 16-5-2024 in the name of applicant Manjot Saini, which got bounced upon presenting in the Bank. That the applicant Manjot Saini repeatedly implored the Agent Manveer Singh, his brother Paramveer Singh and his wife Rajvin Kaur, Mandeep Singh and Shaukat Ali allas Mishu Ali care of G.B. Immigration by visiting their office and on phone to return his balance amount, but they kept on making evasiveness to the applicant. Thus opposite party Agent Manveer Singh son of Gurwinder Singh, Paramveer Singh alias Prince son of • Gurwinder Singh, Rajvir Kaur wife of Manveer Singh residents of House No. 34 Old Ganesh Nagar Ward No. 13 Rajpura, Patiala, care of G.B. Immigration Under Bridge, Old Car Bazar Rajpura, Patiala, Shaukat Ali alias Mishu R/o Purana Killa, Purani Court, Near Mosque, Rajpura Ludhiana, Mandeep Singh Resident of Village • Suru Rajpura District Patiala in connivance with each other in consultation of each other took the applicant Manjot Saini into their confidence decoyed him to send abroad at Canada on Visitor Visa sent fake Canada approval letter, fake Canada Sticker Visa and fake Air Ticket to the applicant Manjot Saini have committed cheating with the applicant Manjot Saini total of Rs. 11 Lac and committed fraud. A case is to be registered against opposite party Agent Manveer Singh, Paramveer Singh. Rajvir Kaur, Mandeep Singh and Shaukat Ali alias Mishu above named under section. 316(2), 318(4), 61(2) of BNS, 24 Immigration Act. If so approved then for*

•registration of case legal opinion of the D.A. Legal Ludhiana recommendation may be made for registration of case. RECOMMENDATION:- A case is to be registered against opposite party Agent Manveer Singh, Paramveer Singh. Rajvir Kaur, Mandeep Singh and Shaukat Ali alias Mishu above named under section 316(2), 318(4), 61(2) of BNS, 24 Immigration. Act. If so approved then for registration of case legal opinion of the D.A. Legal Ludhiana recommendation may be made for registration of case please. That Respectable Assistant Commissioner •of Police North Ludhiana :prepared his report and sent for the kind perusal of Respectable Additional Deputy Commissioner of Police Zone-1, Ludhiana, who mentioned in his report that Sir, report of above mentioned enclosed application has been received from Assistant Commissioner of Police North Ludhiana. Assistant Commissioner of Police North Ludhiana in his report has recommended to seek legal opinion for registration of case against A case is to be registered against opposite party Agent Manveer Singh, Paramveer Singh. Rajvir Kaur, Mandeep Singh and Shaukat Ali alias Mishu above named under section 316(2), 318(4), 61(2) of BNS, 24 Immigration Act, Which is submitted for further appropriate • orders please. That Respectable Additional Deputy Commissioner of Police, Zone-1, Ludhiana sent his report for the kind perusal of Respectable Commissioner of Police Ludhiana. That Respectable Commissioner of Police Ludhiana wrote for Dy. D.A. for Legal Opinion whereby Dy. D.A. Legal wrote in his report that. have gone through the complaint. The complainant has submitted that Manveer Singh, Paramveer Singh, Rajvir Kaur, Mandeep Singh and Shaukat Ali @ Mishu induced him to pay them Rs 18,00,000/- for sending him to abroad. He paid Rs 10.00.000/-through RTGS and they send him forged ticket, letter and visa of Canada on his WhatsApp. When he confronted them, they started threatening him. Later on, when he pressurized them, Manveer Singh paid back Rs 4,00,000/- to him and one agreement was executed between them. Manveer Singh also gave him one cheque • which was dishonoured by the bank. The complainant has requested to take appropriate legal action against the aforementioned persons. I have gone through the enquiry report after verifying the facts minutely. The enquiry officer has recommended to register an FIR u/s 316(2), 318(4), 61(2) BNS and Sec 24 of Immigration Act on Manveer Singh, Paramveer Singh, Rajvir Kaur, Mandeep Singh and Shaukat Ali @ Mislu. I agree with the enquiry officer. The allegations mentioned in the complaint do disclose the commission of cognizable offence, as per the recent guidelines passed by Hon'ble Supreme Court of India in case titled • Lalita Kumari V/s Government of UP (2014) 2 SCC 1, it has been directed that registration of FIR is mandatory u/s 154 if

the information discloses commission of a cognizable offence. The facts have been verified by a gazetted officer and in view of the allegations mentioned in the complaint, the findings of the enquiry officers and the guidelines passed by the Hon'ble Supreme Court of India Supra, in my opinion, prima facie the offences u/s 420, 120-B IPC Section 24 of Immigration Act are made out against Manveer Singh, Paramveer Singh, Rajvir Kaur, Mandeep • Singh and Shaukat Ali @ Mishu. Hence, an FIR may be registered against Manveer Singh, Paramveer Singh, Rajvir Kaur, Mandeep Singh and Shaukat Ali @ Mishu, at PS. Basti Jodhewal, Ludhiana. The investigating officer may kindly be directed to verify the letter, ticket and Visa. In case those are the forged documents, then he may kindly be directed to add on the offences u/s. 465, 468 & 471 IPC. If approved necessary orders may kindly be issued, please. SD/- Neelu Sharma Deputy District Attorney (Legal) Ludhiana. Whereupon Respectable Commissioner of Police • Ludhiana wrote SHO Jodhewal For legal Action, Today at Police Station, upon arrival of application above mentioned case was registered under above mentioned offence against above named accused persons.. Original application along with attached documents along with copy of FIR is being taken in my own custody. Control Room is being informed over Wireless ”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case solely due to his employment with the main accused, namely Manvir Singh, who is operating the immigration firm and is the actual beneficiary of the said transaction. It is further submitted that the amount of Rs. 4,00,000/- was admittedly handed over to the main accused.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Jaspal Singh Guru, AAG Punjab, accepts notice on behalf of respondent/State. He prays for dismissal of the present petition stating that though, the petitioner was an employee, but he is equally involved in the commissioning of offence, but he could not put forth any incriminating material to connect the petitioner with the present case.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that the petitioner is not the beneficiary of the amount in question, is not involved in any other case, meaning thereby he is a person of clean antecedents, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein he has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Decision**

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

> *'When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
>
> *(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
>
> *(ii) a condition that the person 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 from disclosing such facts to the Court or to any police officer;*

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.'

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
21.01.2025 **JUDGE**

Meenu

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