

221

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-6491-2025 (O&M)
Date of Decision:- 11.03.2025

GURPAL SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Lupil Gupta, Advocate for the petitioner.

Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 482 Bharatiya
Nagarik Suraksha Sanhita, 2023, petitioner seeks anticipatory bail in case
FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
24	21.12.2024	316(2), 318(4) Bharatiya Nyaya Sanhita, 2023; 24 of the Emigration Act,	NRI Bathinda, District Bathinda

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. He contends that the petitioner has not defrauded the complainant in any manner, and in fact the petitioner had facilitated for providing air ticket to the complainant for going to Malaysia. He submits that the petitioner is



ready to join investigation and has prayed for grant of anticipatory bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the status report filed by the State has assailed these arguments by submitting that the petitioner has played an active role in the crime by assuring the complainant to send her abroad on work permit and on this pretext had taken ₹1,70,000/- through draft dated 13.09.2024, however, had failed to provide any work permit to the complainant and in this way defrauded the complainant. He submits that the custodial interrogation of the petitioner is required to unearth the *modus operandi* as there are 5 other criminal cases registered against the petitioner. Thus, prays for dismissal of the bail petition.

4. After considering the rival contentions and perusing the record, it transpires that the present FIR was registered on the complaint moved by the complainant alleging that the petitioner was running an Immigration Centre although he was not having any authorization by the Government and had allured the complainant that she would be sent to Malaysia on a work permit and on this assurance, had taken ₹1,70,000/-, which was deposited by the complainant through bank draft. It is alleged that the complainant was provided with air ticket and visitor VISA for Malaysia, however, despite repeated requests, she was not provided with any work permit as promised. There is no dispute qua the amount of ₹1,70,000/- being paid by the complainant through bank draft to the petitioner. According to the petitioner, the aforesaid amount was taken for providing air ticket to the complainant, however, admittedly, the petitioner was not authorized to run the



Immigration Centre nor could his counsel justify charging such exorbitant amount just for providing air ticket to Malaysia. It is also not disputed that the petitioner is already having 5 more criminal cases registered against him.

5. Therefore, considering the specific allegations against the petitioner of having defrauded the complainant of her hard-earned money on the pretext of providing work permit to her and failing to do so, the custodial interrogation of the petitioner is required to unearth the *modus operandi*. Accordingly, it is observed that no case is made out in favour of the petitioner for grant of anticipatory bail, as a consequence, the petition is hereby dismissed.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

11.03.2025
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No