

2025:PHHC:066180



218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6796-2025 (O&M)
DECIDED ON: 07.05.2025

HARINDER KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Shekhar Kumar, Advocate
for the petitioner.

Mr. J.S. Rattu, DAG, Punjab.

Mr. Manik Makkar, Advocate
for the complainant.

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SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 482 of BNSS, 2023, has been invoked seeking pre-arrest bail to the petitioner in FIR No. 01, dated 17.01.2025, under Sections 406, 420 & 120 IPC and Section 24 of Immigration Act, 1983, registered at Police Station NRI, Patiala.

2. The prosecution story, as narrated in the FIR reads as under:-

“A letter No. 1190/Nadal Officer-3, NRI Wing, dated 16.01.2024 from the Additional Director General of Police, NRI Wing, Phase-7, SAS Nagar along with the original Complaint No. 2410661 dated 09.12.2024 submitted by Amandeep Kaur D/o Vijay Singh R/o #-12, Preet Colony, Rajpura along with the Inquiry Report have been received through post for registration of the FIR. The contents of the Complaint are that, "To, ADGP, NRI Wing, Phase-

7, SAS Nagar, Mohali. Subject: The Complaint against Harinder Kumar S/o Raj Kumar R/o #B-2/1059, Prem Colony, Village Banwardi, Rajpura, Proprietor of Udaan Immigration, Office J-6/1 Gash Colony, in front of Dr. Dinesh Children Hospital, Rajpura (Mobile No. 77079-75995) and Reet W/o Harinder Kumar (Mobile no. 8847421359) R/o Hose No. B-2/1059, Prem Colony, Village Banwardi, Rajpurs, in connivance committed fraud with the Complaint, her mother and brother and threatened to kill. Sir, It is submitted that I, Amandeep Kaur D/o Vijay Singh R/o #-12, Preet Colony, Rajpura, presently living in Melbourn, Austraila is submitting as under:- (1) That my father owned piece of land at Rapura wherein the cold store was constructed. After the death of my father the said land was jointly inherited by me, my mother Bajit Kaur and brother Hardeep Singh. We had sold out such land jointly on 28.05.2023, Pankaj Kumar who is friend of my brother Hardeep Singh was aware about this fact. Therefore, Pankaj Kumar introduced us with Harinder Kumar and his wife Reet who told us that they have Office under the name of 'Udaan Immigration' at Rajpura and they want to renovate their office and to grow their business for which they required funds, if we helped them financially then they will returned our money from their profits and also shared the profits earned from the business. (2) Then, after consulting in the family, we have deposited an amount of 1,70,00,000 (one crore 70 lakh rupees) in bank account of Udaan Immigration, out of which amount of Rs. 43 Lakh were deposited from the account of my brother Hardeep Singh, Rs. 25 Lakh from the account of my mother Baljit Kaur and amount of RS. 67 Lakh were deposited from my bank account in the in bank account of Udaan Immigration. The bank statements of my mother Baljit Kaur, my brother Hardeep Singh and my bank statements are attached. Apart from this, an amount of Rs.35 lakhs was paid in cash and thus an amount of Rs.1,70,00,000/- (one crore 70 lakh rupees) was deposited in the bank account of the above company of Harinder Kumar and an amount of Rs.35 lakhs was paid in cash at his house in two installments in the presence of Reet. At both the times the

cash amount was counted by Harinder Kumar and Reet and same was handed over to Reet, who ensured that she helps her husband in business and she will be responsible to return the said money. (3). That after this, when we asked the above persons for our money, first they tried to put up a delay and we went to them again and again, then, Harinder Kumar deposited the amount of 85 lakh rupees in the bank account of three of us on 20.10.2024. Further, he promised to return the remaining amount of Rs. 85 Lakh upto 16.11.2024 and her wife was also present over there, who ensured us that she will ask her husband to return money as soon as possible. Regarding this copy of handwritten of Harinder Singh is attached. (4). That after the aforementioned date 15.11.2024, my brother Hardeep Singh asked Harinder Kumar and Reet to return the remaining amount, then they refused to return the money and threatened with dire consequences, if again we ask for the money back as they have links with people with high position and threatened to kill and said nobody will know about this. Therefore, my mother Baljit Kaur and my brother Hardeep Singh are very scared and when I spoke with Smt. Reet about this then she behaved very badly with me and said that, if I again asked her about money back she will implicate me in some false case and I will not be able to go to Australia again. She also said that she does not want to talk about money after this otherwise it would cost our lives. All this has disturbed me a lot and now after consulting with my family, I am submitting present complaint regarding the fraud done to us by the above persons in collusion with each other. (5). That I am currently in Australia and my brother Hardeep Singh is living in Rajpur, who will appear in your office and pursue the present complaint on my behalf and he will produce the relevant documents as well. Any statement given or action taken by Hardeep Singh will be considered to have been done by me. (6). That Harinder Singh and Reet are very influential persons and they have links of Higher Officers in District Patiala. Therefore, you are requested to get inquired this matter from some senior officer of NRI, Head Quarter, District SAS

Nagar Mohali and do justice to me. Therefore, you have requested that strict action should be taken against the Harinder Kumar and Reet for cheating us in connived and threatening to kill us and provide us the justice. I shall be thankful to you. Date 06.12.2024. Sd/- Amandeep Kaur D/o Vijay Singh R/o #12, Preet Colony, Rajpura presently resident of Melbourne, Australia. Mobile No. +61-461502874 (Hardeep Singh +91-9888056256) Sd/- Hardeep Singh. The In-charge, PC-3, NRI Wing has written that said complaint is matter of jurisdiction of Rajpura and send the report to DSP/Hqrtr/NRI/Wing as per law for further orders as per Law. Sd/- In-charge, PC-3. NRI Wing, Mohali. Thereafter, Additional Inspector General of Police has forwarded to DSP/HQ for n/action and wrote Approved Pl. Sd/- Ajinder Singh, 10/12 therefore, the Deputy Superintendent of Police (S), NRI Wing, Punjab, SAS Nagar issued his office letter No. 315 Reader/DSPS)/NRI, SAS Nagar dated 26.12.2024 with his recommendation to the Additional Director General of Police, NRI Wing, Punjab, SAS Nagar. "According to which Respondent R1 Harinder Kumar son of Ram Kumar and Reet wife of Harinder Kumar R/o #B-2/1039, Prem Colony, Village Banwari Rajpura District Patiala did not refund amount of Rs. 85 lakhs to Amandeep Kaur and nor send her brother and his family to abroad to Australia as promised, therefore they have committed fraud". Therefore, a prima facie case has to been made out against the Respondent R1 Harinder Kumar and R2 Reet and an investigation has to be conducted. Therefore, it is recommended to registered a FIR against them under U/S 406,420 of IPC at Police Station NRI Patiala. Sd/-(Lakhwinder Singh PPS) Deputy Superintendent of Police (S), NRI Wing, Punjab, SAS Nagar."

3. It is pertinent to note here that the petitioner had previously given an undertaking before this Court on 01.05.2025, whereby the petitioner had undertaken to repay the first two installments on the next date of hearing, which were due in February 2025 and April 2025, respectively. However, despite sufficient time

having been granted, the petitioner has failed to act in accordance with the undertaking furnished before this Court. The petitioner has neither complied with the terms of the undertaking nor offered any cogent justification for such non-compliance.

4. The Hon'ble Supreme Court has held in **M.C. Mehta v. Union of India, (2003) 5 SCC 376**, that:

“An undertaking given to the court is not a mere formality or a statement without consequences. It has the force of a binding direction of the court, and non-compliance therewith is to be viewed seriously.”

5. Further, in **Ram Kishan v. Tarun Bajaj, (2014) 16 SCC 204**, it was reiterated that:

“When a party gives an undertaking to the Court, it is presumed that it will be complied with in letter and spirit. Failure to honour the undertaking amounts to abuse of the process of the Court.”

6. In view of the afore-said facts and circumstances and taking note of the conduct of the petitioner, this Court is not inclined to exercise its discretionary jurisdiction in favour of the petitioner. The petition deserves to be dismissed on this ground alone.

7. **Accordingly, the petition is dismissed** for non-compliance with the undertaking furnished before this Court. However, it is made clear that the interim order dated 01.05.2025 vide which the petitioner was granted interim bail stands vacated.

8. All the pending criminal misc. application(s) shall also disposed off.

(SANDEEP MOUDGIL)
JUDGE

07.05.2025
Sham

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