IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6811-2025
Reserved on: 19.03.2025
Pronounced on: 28.03.2025

Shamsher Singh ...Petitioner

Versus

State of Punjab …Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ishan Gupta, Advocate
for the petitioner.

Mr. Akshay Kumar, A.A.G., Punjab.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
35	16.04.2025	Dirba	420, 120-B IPC and 13 of Punjab Travel Professionals (Regulations) Act 2014

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. In paragraph 16 of the bail petition, the accused declares that he has no criminal antecedents.

3. The facts and allegations are being taken from translated version of FIR, which reads as follows:

> *"It is entered at this time that one order number SSP, Sangrur No. PGD-ID 243671, application filed by Sarabjeet Kaur W/O Late S. Manjeet Singh R/O Village Kohriya Tehsil Sunam District Sangrur against Shamsher Singh S/O Gurdeep Singh R/O village Namol and Paramjeet Kaur W/O Pyara Singh and Gaganjot Singh (now abroad) S/O Paramjeet Kaur residents of Bhathal Colony Sangrur has been received in the Police Station Dirba through post office for registration of FIR under Section 420/120-B of IPC and 13 of Punjab Traveller Regulation Act. The details thereof are To, Additional Director General of Police, Patiala Zone Patiala. Sub: Application against Paramjeet Kaur, Gaganjot Singh S/O Paramjeet Kaur R/O Bhathal Colony, Sangrur and Shamsher Singh R/O Village Namol Tehsil Sunam District*

Sangrur for committing fraud of Rs. 32 lakh 78 thousand for providing work permit of a company in U.K. to my son Harpreet Singh and his wife Kulwinder Kaur. Sir, It is requested that I, Sarabjeet Kaur widow of Late Malkeet Singh R/O Village Kohriya Tehsil Sunam District Sangrur and submitted that I have 2 sons and 1 girl (unmarried). My one son Harpreet Singh, who is married with Kulwinder Kaur. That one person Shamsher Singh, who is working as a peon in Private Hospital and was known to my son Harpreet Singh. He told that une woman namely Paramjeet Kaur is known to him, who is a travel agent and used to send persons to abroad. He may send my wife to U.K. on s good salary package. My sons are intending to go to abroad. I have land measuring 2 kila and it is difficult tomanage the expenditures. Then Shamsher Singh took me to the house of Paramjeet Kaur at Sangrur. Her son Gaganjot Singh was also present there and they said that it will costs upto Rs. 25 lakh and they will be send them to U.K. on work permit. Then my son and daughter-in-law agreed for the same. Then they provided us a work permit of In Home Care Company, U.K. for a period of 3 years alongwith visa. When I reached at abroad, they said that more amount of Rs. 7-8 lakh will be costs more. In this way, I have sold the land measuring and given an amount of Rs. 21 lakh to Paramjeet Kaur and her son Gaganjot Singh in the presence of his friend (unknown). At that Shamsher Singh was on duty, thus he cannot come present. Therefore, at that time, my son Harpreet Singh, Gurdeep Singh took the above sad amount and both went away. Video recording thereof is attached herewith. Remaining amount of Rs. 5 Lakh 57 thousand was transferred in the bank account of Gaganjot Singh S/O Paramjeet Kaur. In this regard, list of the accounts are enclosed herewith. In June 2023, when my son Harpreet Singh and Kulwinder Kaur went to above said company, then concerned company disclosed that they do not have any type of work. They said that she (Bimal Patel) told that she had earlier sent mail to her i.e., Kulwinder Kaur to get back your amount to whomsoever it has been given. Copy of the concerned mail is annexed herewith. Due to the above said fraud, now my children are in such position that the concerned officials of U.K. can depot them back to India anytime, because my children are jobless and concerned company has also intimated the embassy to depot them. I have also filed an application to Senior Superintendent of Police, Sangrur with regard to above said fraud. He has forwarded my application to Deputy Superintendent of Police, Headquarter Sangrur on 12.10.2023. He has called me and my family members for 5-7 times (9 AM to 5 PM) and then sent us back in the evening and used to said that have you given the money after asking me. We told to Deputy Superintendent of Police that company has refused for the same, her children cannot stay there because it will costs an amount of Rs. 20/22 Lakh for new work. But Deputy Superintendent of Police called her on one or two occasions. But, thereafter, Deputy Superintendent of Police started saying that they do not have any amount, whereas we have given an amount of Rs. 32,78,000/- to Madam Paramjeet Kaur, Gagjeet Singh, Shamsher Singh. Then we said that we have all the evidences. Mail has also been received from the company and bank proofs are also present.

FIR may kindly be registered with regard to above said fraud. I am widow and do not have any support. Neither above said Deputy Superintendent of Police is redressing my grievance, nor is taking any legal action because above said woman is having good relations with Sangrur Police. Therefore, no one is redressing my grievances, thus I have approached your goodself. Enquiry in my matter may kindly be get conducted from any other officer in District Sangrur and grievance of a widow be redressed. My hard earned money which have been given by me to the above said fraudsters by selling my land measuring 2 and half Killas. My amount may kindly be returned to me. Appropriate legal action may kindly be taken against them for committing fraud with me, who is a widow. My grievance may kindly be redressed from some impartial officer and justice be given to me. I shall be thankful to you. Yours sincerely RTI Sarabjeet Kaur."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail.

6. State counsel submits that an amount of Rs.5,97,100/- was transferred in the account of the petitioner and has drawn attention to para no.7 of status report which reads as follows:

"7. A. ROLE OF THE PETITIONER SHAMSHER SINGH

The present FIR was registered against accused/petitioner Shamsher Singh and two other co-accused on the basis of application PGD No. 243671 submitted by Sarabjit Kaur, inquiry conducted by DSP(D), Sangrur duly approved by the SSP, Sangrur. During the investigation, it was duly substantiated that as per the detailed facts submitted in para No. 3 above, accused/petitioner Shamsher Singh in connivance with his other co-accused have obtained Rs. 33,78,100/- from the complainant party (i.e 12,78,100/-through online transaction and 21,00,000/- in cash) under the pretext of sending Harpreet Singh son of Complainant and Kulwinder Kaur wife of Harpreet Singh to abroad. However, neither they sent both of them to abroad, nor return the said amount and as such they committed cheating with the complainant party. So, a specific role is attributed to the petitioner in the commission of present offence.

B. THE EVIDENCE AGAINST THE PETITIONER

i) The present FIR was registered against accused/petitioner Shamsher Singh (by name) and his two other co-accused on the basis of application PGD No. 243671 submitted by Sarabjit Kaur, inquiry conducted by DSP(D), Sangrur duly approved by the SSP, Sangrur.

ii) As per the detailed facts submitted above, Rs. 5,97,100/- were found to be transferred in the account no. 110055155808 of Canera Bank of accused Shamsher Singh of accused/petitioner by the complainant party.

iii) From the statements of witnesses under section 161 Cr.P.C. it clearly revealed that the petitioner had played an active role in the commission of the present offence."

7. An analysis of the allegations made in the FIR and the contents of status report would lead to the following outcome. As per FIR, the role attributed to the petitioner is that he introduced the complainant-victim to Paramjit Kaur and Gaganjot Singh. Later on, he even took them to the house of Paramjit Kaur and all the deals regarding demand of Rs.25 lacs were entered into his presence. In the FIR, it has been mentioned that when the victim paid Rs.21 lacs to Paramjit Kaur and her son Gaganjot Singh, at that time, petitioner was on duty and was not present. Even as per status report, Rs.5,97,100/- was found to be transferred in the account of the petitioner. In this region, craze for leaving India and working outside is so huge that even fraudsters take advantage. Petitioner appears to be the person who wanted to take a cut from the main accused who were indulging in immigration business. It prima facie appears that for that purpose, he took the complainant to the main accused namely Paramjit Kaur and her son Gaganjot Singh. Thus, Rs.5,97,100/- was a fraction of the total amount of Rs.33,78,100/-. Although petitioner has not taken stand about why this amount of Rs.5,97,100/- was received and needless to say that the same can be duly recovered and for that purpose, custodial interrogation is not required. To enable recovery of the amount, Investigator is directed to ask the petitioner to join investigation and in case, still recovery of the amount is not effected, then Investigator shall proceed to inform the Bank Managers and all the bank account of the petitioner to the extent of Rs.5,97,100/- shall be frozen and steps be taken to recover the amount of Rs.5,97,100/-. Even after that, petitioner does not cooperate, then it shall be permissible for the State to file an application for cancellation of bail before the trial Court who shall be qualified, eligible and competent to cancel the bail. This order is subject to further condition that petitioner shall not repeat the offence. Needless to say that petitioner has been granted bail on the limited role attributed to him and the fact that he only introduced the complainant to the main travel agent who have taken the money and this Court is considering the receipt of Rs.5,97,100/- and directions have been issued to recover the same, as such, the bail granted to the petitioner shall not be considered as a bail on parity to the co-accused.

8. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of

anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

9. Given the above, the penal provisions invoked coupled with the primafacie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. This order is subject to the petitioner's complying with the following terms.

13. *The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator*. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

14. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above,

then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

15. ***This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.***

16. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

17. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

18. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

28.03.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.