



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9157-2025
DECIDED ON: 18.02.2025

GAGANDEEP SINGH GELOHAT

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Manjot Singh Gujral, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 of B.N.S.S for grant of anticipatory bail to the petitioner in case FIR No.008 dated 28.01.2025, under Sections 406 and 420 of the Indian Penal Code, registered at police station- Nurbur Bedi, District - Rupnagar.

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

“To, "Hon'ble Senior Police Captain Sahib Rupnagar in service. Application against Gagandeep Singh (M: No: 99158-84146, 62808-83873, 62390-57203) son Mr. Kultar Singh resident of House No. 465, Sector-61, Chandigarh for fraud and cheating in order to send the applicant's brother Manpreet Singh son of Gurchain Singh resident of Village Madhopur, Tehsil Sri Anandpur Sahib District Rupnagar to Europe. In relation to cheating of Rs. 5,00,000/-, manipulation and fraud and

false case for demanding money and threatening to kill against Gagandeep Singh and further threatening to commit suicide and implicate the applicant and his family in a false case, Sir it is requested that, that:- 1- That I, the applicant Nirmal Singh son of Gurchain Singh, a resident of village Madhopur, I am a resident of Tehsil Sri Anandpur Sahib District Rupnagar and I do private work. 2- That the above Gagandeep Singh (Aadhaar Card No: 3928 4262 6080) who works as an agent. 3- That my brother Manpreet Singh who was about to go abroad and my brother talked to the aforementioned Gagandeep Singh about going abroad to Europe, then Gagandeep Singh met my brother Manpreet Singh at Maharaja Ranjit Singh Park Ropar, then the above Gagandeep Singh told my brother Manpreet Singh that you will need Rs. 5,00,000/- for this. Due to which the applicant's brother agreed to go abroad. 4-That all the papers etc. were given by my brother to the above agent Gagandeep Singh and Rs.2,50,000/- was given to the above agent Gagandeep Singh by my brother Manpreet Singh at Maharaja Ranjit Singh Park Ropar and 1,20,000/- where he was to be paid after reaching Europe from Dubai, we transferred to his account as per the request of Gagandeep Singh and the amount was given to him in cash. went Which was given to Gagandeep Singh by my uncle Avtar Singh, which makes a total of 5 lakh rupees. 5- That the above Gagandeep Singh had taken my brother with him to Dubai and he returned to India without calling and informing my brother. Gagandeep Singh had said that you will have to stay in Dubai for a while and after that we will issue your visa to Europe. 6- That the above Gagandeep Singh has kept my brother Manpreet Singh in Dubai for the last 3 years. My brother Manpreet Singh repeatedly asked Gagandeep Singh to

come to India, but Gagandeep Singh kept telling my brother that an agreement has been made with you, you should trust me. Therefore, we could not submit the application because of this belief. 7- That the above Gagandeep Singh fraudulently made my brother Manpreet Singh sign the check by saying that he has to open a bank account, but Gagandeep Singh made a credit card in my brother's name and took the loan and he came back to India. Because of this Gagandeep Singh, my brother Manpreet Singh and India have suffered a loss of 13 lakh rupees from the government of Dubai, which is increasing by 50 dinars of the Dubai government every day. Before this, our mother died of this tension. Our father became paralyzed due to this tension and his mental condition is also not good. There is no one else to run the expenses of our house except me and we have no other source of income. 9- That the above mentioned Gagandeep Singh was told many times by our family that you have taken my brother to Dubai and left him, send him to Europe, but Gagandeep Singh has been doing this till today and he says that if you make any complaint in this regard, he will commit suicide by writing a suicide note against us, due to which we are always afraid that such a thing will happen. Don't get us wronged in a false case. 10-That now our phone has also stopped ringing by the above mentioned Gagandeep Singh and he keeps changing his phone number again and again. 11- That a request was given to you earlier on 09-08-2024 by me regarding the above, that this request was marked by you to Hon'ble DSP Sahib Sri Anandpur Sahib. Whereas both the parties were called and both the parties mutually resigned on 02-09-2024, in the resignation it was admitted by Gagandeep Singh son of Kultar Singh that he would bring Manpreet Singh,

brother of the applicant Nirmal Singh, back to India from Dubai within one month. But the said Gagandeep Singh did not fulfill any form of resignation and it was said by him that I will not bring Manpreet Singh from abroad, thus the said Gagandeep Singh has violated the terms of the resignation and he refused to accept it. A copy of the resignation letter is attached). Therefore, I request you to take appropriate legal action against the above person and give us justice and bring my brother Manpreet Singh back to India as soon as possible.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the story of the prosecution is highly improbable based on vague and baseless allegations without any concrete and authentic material to corroborate the same inasmuch as the name of the bank or financial institution has also not been put forth from as to where allegedly did the petitioner stated to have taken loan while in Dubai in the name of Manpreet Singh by obtaining his signatures.

Learned counsel for the petitioner undertakes that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Jaspal Singh Guru, AAG, Punjab accepts notice on behalf of the respondent-State, who would submit that a sum of Rs.1,60,000/- has been credited by the petitioner in the account of Harpreet Singh, who is close friend of Nirmal Singh (complainant) and

Manpreet Singh (victim) in order to get Manpreet Singh back to India. He is also not in a position to bring to the notice of this Court any incriminating material against the present petitioner to make out a case under Sections 406 and 420 IPC.

4. **Analysis**

Be that as it may, considering the undertaking given before this Court by learned counsel for the petitioner that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer concerned added with the fact that the prosecution has failed to put forth any incriminating material to connect the petitioner with the alleged commissioning of the offence under Sections 406 & 420 IPC, this Court is of the considered view that the present petition deserves to be allowed.

5. **Decision**

In the light of above, 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)
JUDGE

18.02.2025

Poonam Negi

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>