

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

2025:PHHC:032921



(229)

CRM-M-12060-2025

Date of Decision: 07.03.2025

Gurinder Singh Batth

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present:- Mr. S.S. Sandhawalia, Advocate for petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL.J (Oral)

The petitioner is seeking the concession of regular bail, filed under Section 483 BNSS, in case FIR No.08, dated 01.02.2024, under Sections 406, 420, 465, 469 IPC and Section 24 of Immigration Act, registered at Police Station, Phase 11, SAS Nagar.

Learned counsel for the petitioner submits that in a magisterial trial the petitioner has been languishing in custody since 07.12.2023 and there is no likelihood of the trial concluding in the near future as only one prosecution witness out of the 24 cited, has been examined till date, even though charges were framed way back on 19.07.2024. It has been further contended that the case against the petitioner hinges on documentary evidence and hence in the circumstances, in case the petitioner is admitted to bail, there can be no apprehension of the petitioner tampering with the evidence.

Learned counsel for the petitioner has further contended that the petitioner is, in fact, a victim of police vendetta, having lodged an FIR No.7 dated 26.04.2024, under Section 7 of the Prevention of Corruption Act at PS, Vigilance Bureau, Punjab, Mohali, against certain police officials, including the investigating officer. As a consequence of this confrontation, false cases are being foisted upon him by the set of officials.

Per contra, learned counsel for the State while opposing the prayer and submissions made by counsel opposite, has reiterated the allegations set forth in the FIR, which are as follows:-

“Copy of complaint bearing diary No.2464/W/28-06-2023. "My name is Harbans Singh son of Diyal Singh. I am from Village Bajheri, Tehsil Kharar, District Mohali. I have a complaint against the Gurinder Singh who runs immigration office in 10 phase Mohali. The name of his office is English Guru. I applied the study visa from Gurinder Singh in 2022. He gave us the surety for my son's study visa. After a month he received 9 lakh 45 thousand rupees from us and he also opened a new bank account for GIC but he didn't give us new bank account copy and any other details. He also didn't give us offer letter. In addition, he also didn't give us the slip of college fees because he didn't fill the fees in college. He kept our money for more than one year. In September intake, he said college didn't response of your visa and he put the deferment for next intake for December intake but in December month he said that your visa still didn't come so put the deferment for January intake but lastly we said him to drop our file. He said that I have dropped your file. But he did not give us drop letter. He got angry on us whenever we request him to return our documents but in the last month of 2022, he gave us threat to send my son in police and he also

said that I can ban your son in Canada. I went to the police station but police didn't do anything. We put the CAIPS notes in Canadian embassy. We saw in notes that my son has been banned in Canada for five years. Now, While, I have already visited police station Sohana. Firstly, I went to the SSP office in court complex in Mohali 17 March. SSP sir sent us to SHO office. I met to SHO Sumit mour, he called Gurinder singh in his office but he didn't come there, we had to go SHO office almost every day. SHO also did not take any action on agent. I had to go MLA office to meet Dr. Charanjeet Singh Channi. He sent us the offer of SSP. I met to SSP again but SSP sir sent me again to SHO office. And From: harbants041@gmail.com To: "Bhagwant Mann CM Punjab Sent: Sunday, June 18, 2023 1:54:20 PM. SHO sir didn't take any action against him. I am wandering in police stations from last five months but any police officer didn't listen us even they ignored the MLA's latter I met to SSP sir six times and I met MLA Charanjit Singh two times. Now I am very disturbed because my son's future is spoiling because of Gurinder Singh and lack of care of police I request u please didn't do anything against Gurinder Singh. Now I am also very afraid that Gurinder Singh cab do anything. He gives us threats and show the picture with SSP Mohali. He does miss used of that picture to give threats to people. Lastly, u would like to say that pls listen us and take the action against him. Now my son's ban can be broken if police take action on him and give us complaint latter. So we can mention that complaint letter in Canadian embassy to break ban. It is my humble request for u. Mob no.98765-62990 Note, any police employee is listening the voice of public accept u". Upon which, Hon'ble SSP SAS Nagar directed the SP(D)/ AHTU to take action according to law

and send report within 10 days. Upon which, contents of the report of the Incharge of Anti Human Trafficking Unit are as under:- "Anti Human Trade Unit, District SAS Nagar. No.476/5C/AHTU dated 23.08.2023. Subject: Report regarding complaint No.444/PGOSSP dated 24.07.2023, No.2198/RPC dated 08.07.2023 moved by Harbans Singh son of Dayal Singh, resident of Village Bajheri, P.S. Charuan, Tehsil Kharar, District SAS Nagar. Sir, It is submitted that the complainant Harbans Singh son of Dayal Singh, resident of Village Bajheri, P.S. Gharuan, Tehsil Kharar, District SAS Nagar moved said complaint against Gurinder Singh, English Guru Immigration Company, Phase 10, Mohali for committing fraud on the pretext of sending to Canada and for giving wrong information/details at the time of filing application. Enquiry on complaint got conducted from SI Harbans Singh and from his enquiry report, it was found that during enquiry on complaint, after joining complainant Harbans Singh son of Dayal Singh, resident of Village Bajheri, P.S. Gharuan, Tehsil Kharar, District S.A.S. Nagar in enquiry, his statement was recorded, who has stated in his statement that "I do agricultural work. My son Jatinder Singh's passport No.T4947484 has been issued on 26.03.2019 from Chandigarh office. My son wanted to go foreign country Canada. My son's friend Simran Singh told us about English Guru Consultancy, Phase-10, near SBI Bank, Mohali. Then us by filling the wrong numbers of IELTS in the file of my son Jatinder Singh and ruined my son's future by getting money from us. Kindly initiate appropriate legal proceeding against him. Statement of complainant Harbans Singh is enclosed herewith for the kind perusal. During enquiry on complaint, Parwana was I and my son went to this office in January 2022, where we met the owner of the company namely Gurinder

Singh, who fully assured us to send my son to Canada. My son's passport and other documents were scanned and returned back to us. He took Rs.4000/- in cash from us for the file fee and offer letter and then we paid Rs.13000 for the online offer letter and Rs.9500 as an embassy fee. Then on his asking, we transferred Rs.9,45,000/- to Gurinder Singh's (English Guru) account on 08.04.2022. My son's file for Canada study visa for intake September 2022 was filed by Gurinder Singh of English Guru Consultancy, but my son's visa did not come. He transferred Rs.05 lakh in my son's account on 26.12.2022, Rs.04 lakhs on 06.02.2023 and Rs.40,000/- on 09.03.2023. However, he did return back my amount of Rs.30,500/-. We later came to know that he voluntarily filed my son Jatinder Singh's application by showing wrong numbers of IELTS. We came to know this fact later, when we applied our CAIPS notes in embassy and checked the file. Due to the mistake of Gurinder Singh of English Guru Consultancy, Canada Embassy banned my son Jatinder Singh from entering Canada for five years. Due to his greed, Gurinder Singh has cheated us by filling the wrong numbers of IELTS in the file of my son Jatinder Singh and ruined my son's future by getting money from us. Kindly initiate appropriate legal proceeding against him. Statement of complainant Harbans Singh is enclosed herewith for the kind perusal. During enquiry on complaint, Parwana was issued to the opposite party Gurinder Singh, English Guru Immigration Company, Phase-10, Mohali for joining enquiry but his office was lying closed. During enquiry, it has come out that FIRs have already registered against opposite party at P.S. Phase-11, Mohali bearing FIR No.76/2023 u/s 406, 420, 120-B of IPC, Section 24 of Immigration Act, FIR No.78/23 u/s 406, 420, 120-B of IPC, Section 24 of Immigration Act, FIR

No.79/23 u/s 406, 420, 120-B of IPC, Section 24 of Immigration Act. Every possible efforts were made to join him in enquiry but he did not join enquiry. During enquiry on complaint, from the statement of complainant and concerned documents, it has come out that the son of complainant Harbans Singh namely Jatinder Singh wanted to go Canada, whose passport No.T4947484 has been issued on 26.03.2019 from Chandigarh office. Complainant Harbans Singh's son Jatinder Singh's friend Simran Singh told them about English Guru Consultancy, Phase-10, near SBI Bank, Mohali. Then complainant alongwith his son went to the said office in January 2022, where he met company's owner Gurinder Singh, who fully assured complainant Harbans Singh to send his son Jatinder Singh to Canada and after getting scanned the passport and other documents of complainant's son Jatinder Singh, returned them back. Opposite party took Rs.4000 in cash for file fee and offer letter and then he also got Rs.13000 for online offer letter and Rs.9500 bank fee. Then complainant on the asking of opposite party Gurinder Singh (English Guru) transferred Rs.9,45,000/- in his account on 08.04.2022. The visa file of complainant's son was submitted by the opposite party Gurinder Singh of English Guru Consultancy for study visa of Canada for intake September 2022 but the visa of Jatinder Singh son of complainant Harbans Singh did not come. Then the opposite party returned back amount of Rs.05 lakhs on 26.12.2022, Rs.04 lakhs on 06.02.2023 and Rs.40,000/- on 09.03.2023 by transferring in the account of complainant's son but he did not return back the remaining amount of Rs.31,500/-. Complainant Harbans Singh later came to know that the opposite party had voluntarily filled the wrong IELTS numbers of Jatinder Singh, which complainant Harbans Singh later

came to know when he applied for CAIPS note in the embassy and checked the file. Due to the mistake of Gurinder Singh of English Guru Consultancy, Canadian Embassy has banned the son of complainant from entering Canada for five years. In this way, Gurinder Singh has committed fraud by filling the wrong numbers of IELTS in the file of Jatinder Singh. The money which was deposited in the account of Gurinder Singh of English Guru by complainant Harbans Singh, then Gurinder Singh transferred said money to the account of complainant's son Jatinder Singh. From which, it is clear that the file of complainant's son was submitted by Gurinder Singh but while submitting file, Gurinder Singh filled wrong information/details of IELTS, due to which, embassy banned Jatinder Singh for 05 years. Complainant came to know this fact later and Gurinder Singh of English Guru did not even return back the entire money. I agree with the report of SI Harbans Singh. If approved, then order be issued for conducting investigation after lodging FIR at P.S. Phase-11, Mohali against Gurinder Singh of English Guru Immigration Company, Phase-10, Mohali for the offence under Sections 406, 420, 465, 469 of IPC and Section 24 of Immigration Act. Report is submitted for appropriate order. Sd/ Incharge, Anti Human Tracking Unit, District SAS Nagar dated 23.08.2023. Upon which, contents of report of Deputy Superintendent of Police (HQ) SAS Nagar are as under:- "From Deputy Superintendent of Police (HQ), District SAS Nagar, to the SSP District SAS Nagar. No.198/5C/DSP(HQ) dated 16.12.2023. Subject: Report regarding complaint No.444/PGO dated 24.07.2023, No.2198/PC dated 08.07.2023 moved by Harbans Singh son of Dayal Singh, resident of Village Bajheri, P.S. Gharuan, Tehsil Kharar, District SAS Nagar. Sir, It is submitted that the complainant Harbans Singh

son of Dayal Singh, resident of Village Bajheri, P.S. Gharuan, Tehsil Kharar, District SAS Nagar moved said complaint against Gurinder Singh, English Guru Immigration Company, Phase 10, Mohali for committing fraud on the pretext of sending to Canada and for giving wrong information/details at the time of filing application. Enquiry on complaint got conducted from Incharge, Anti Human Trafficking Unit, District SAS Nagar and from his enquiry report, it was found that during enquiry on complaint, after recording statement of complainant and obtaining documents, it has come out that the son of complainant Harbans Singh namely Jatinder Singh wanted to go Canada, whose passport No.T4947484 has been issued on 26.03.2019 from Chandigarh office. Complainant Harbans Singh's son Jatinder Singh's friend Simran Singh told them about English Guru Consultancy, Phase-10, near SBI Bank, Mohali. Then complainant alongwith his son went to the said office in January 2022, where he met company's owner Gurinder Singh, who fully assured complainant Harbans Singh to send his son Jatinder Singh to Canada and after getting scanned the passport and other documents of complainant's son Jatinder Singh, returned them back. Opposite party took Rs.4000 in cash for file fee and offer letter and then he also got Rs.13000 for online offer letter and Rs.9500 bank fee. Then complainant on the asking of opposite party Gurinder Singh (English Guru) transferred Rs.9,45,000/- in his account on 08.04.2022. The visa file of complainant's son was submitted by the opposite party Gurinder Singh of English Guru Consultancy for study visa of Canada for intake September 2022 but the visa of Jatinder Singh son of complainant Harbans Singh did not come. Then the opposite party returned back amount of Rs.05 lakhs on 26.12.2022, Rs.04 lakhs on

06.02.2023 and Rs.40,000/- on 09.03.2023 by transferring in the account of complainant's son but he did not return back the remaining amount of Rs.31,500/-. Complainant Harbans Singh later came to know that the opposite party had voluntarily filled the wrong IELTS numbers of Jatinder Singh, which complainant Harbans Singh later came to know when he applied for CAIPS note in the embassy and checked the file. Due to the mistake of Gurinder Singh of English Guru Consultancy, Canadian Embassy has banned the son of complainant from entering Canada for five years. In this way, Gurinder Singh has committed fraud by filling the wrong numbers of IELTS in the file of Jatinder Singh. The money which was deposited in the account of Gurinder Singh of English Guru by complainant Harbans Singh, then Gurinder Singh transferred said money to the account of complainant's son Jatinder Singh. From which, it is clear that the file of complainant's son was submitted by Gurinder Singh but while submitting file, Gurinder Singh filled wrong information/details of IELTS, due to which, embassy banned Jatinder Singh for 05 years. Complainant came to know this fact later and Gurinder Singh of English Guru did not even return back the entire money. I agree with the report of Incharge, Anti Human Trafficking Unit. If approved, then order be issued for conducting investigation after lodging FIR at P.S. Phase-11, Mohali against Gurinder Singh of English Guru Immigration Company, Phase-10, Mohali for the offence under Sections 406, 420, 465, 469 of IPC and Section 24 of Immigration Act. Report is submitted for appropriate order. Sd/- Deputy Superintendent of Police (HQ), District SAS Nagar". Upon which, Hon'ble Senior Superintendent of Police SAS Nagar wrote to SHO, Phase 11, SAS Nagar to register the case and investigate the same. Sd/- Sr. Supdt. of

Police, District SAS Nagar. Today, on receiving of complaint No.2464/W/28.06.2023 alongwith enquiry report at police station via DAK, FIR No.8 dated 01.02.2024 u/s 406,420,465,469 of IPC, Section 24 of Immigration Act was registered at P.S. Phase 11, SAS Nagar. Copies of FIRs are being sent to Ilaqa Magistrate and senior officers. Incharge, Control Room, SAS Nagar has been informed via telephone. Copy of FIR alongwith original complaint is being handed over to ASI Jasvir Singh No.89/SASN for further investigation. Head Munshi was directed to complete the record.”

However, the State has not disputed the custody period of the petitioner nor has it disputed the stage of trial. It is also undisputed that the case of the prosecution is based on documentary evidence, which is already part of the challan.

I have heard learned counsel for the parties and perused the relevant material on record.

The petitioner has been in custody since 07.12.2023 in a Magisterial trial and, to date, only 01 out of the 24 prosecution witnesses has been examined. Given the slow pace of proceedings, there is no likelihood of the trial concluding in the near future. Since the case rests solely on documentary evidence, the apprehension of the petitioner tampering with it does not arise. In the facts and circumstances, as enumerated here and above, this Court deems it fit to extend the concession of bail to the petitioner.

Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that

anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

07.03.2025
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No