

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

CRM-M-12467-2025
Reserved on: 03.04.2025
Pronounced on: 22.04.2025

Manjit Singh Khalsa ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Divya Gulati, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
291	23.10.2020	B-Division, Amritsar	420 IPC and 13 of Punjab Travel Professional (Regulation) Act, 2014

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per paragraph 14 of the bail application and 12 of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1	17	09.03.2016	420 IPC	Mehta, Amritsar Rural
2	135	03.06.2016	419/467/468/466/471 IPC	Sultanwind, Amritsar
3	28	21.01.2017	420/120-B IPC	Chheharta, Amritsar
4	295	20.04.2020	420 IPC and Section 13 of Punjab Travel Professional (Regulation) Act	B Division, Amritsar
5	263	25.08.2023	454/380 IPC	B Division, Amritsar
6	336	27.10.2023	420/467/468/471 IPC	B Division, Amritsar
7	20/2019	-	420, 120-B IPC	Chheharta
8	18	25.02.2025	303	Amritsar Cantt

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“3. That it is submitted that registration of the present case FIR No. 291 dated 23.10.2020 (supra) against the present petitioner Manjit Singh Khalsa was a consequence of the

thorough preliminary enquiry conducted by Incharge Anti Human Trafficking Unit, Amritsar qua the application bearing UID No. 1814011 dated 29.06.2020 given in the office of the Commissioner of Police, Amritsar by the complainant Mandeep Singh. During the course of enquiry, the enquiry officer had made sincere efforts to join the petitioner Manjit Singh Khalsa and notices were issued to him in this respect but the petitioner Manjit Singh Khalsa was not found present at the given address; hence the petitioner Manjit Singh Khalsa could not be joined in the enquiry. Based on the enquiry conducted, it was revealed that the complainant Mandeep Singh runs at restaurant namely Burger Bite at Ajit Nagar, Amritsar. On 23.05.2020, the present petitioner Manjit Singh Khalsa had first time come to the restaurant of the complainant for getting burger. The petitioner Manjit Singh Khalsa had told Gurdial Singh father of the complainant Mandeep Singh that he wanted to get his son Canada on work permit because the petitioner Manjit Singh has his own restaurant in Canada namely Sadbar Restaurant, Garden Valley, Vancouver, BC Canada. The entire expenses regarding his lodging etc. in Canada shall be borne by the petitioner. As such, the petitioner Manjit Singh allured the complainant and misguided him and also told him that the petitioner Manjit Singh was having 06 work permits of Canada, if Gurdial Singh would intend to send his son then it would cost him Rs. 8,90,000/-, which would have to be given in Indian itself and the airfare would be extra. Thereafter, the petitioner Manjit Singh made phone call to Gurdial Singh on the same night that if he wanted to get his wife and son then can get him as their three visas had been approved. Hence transfer the above mentioned amount in account number 65221820780, State Bank of India, branch Chatiwind Gate, Amritsar and sent the details thereof on WhatsApp. The complainant Mandeep Singh and his father got trapped. On 24.05.2020, the petitioner Manjit Singh again went to the restaurant of the complainant. There the complainant Mandeep Singh and his father Gurdial Singh had given cash amount Rs. 2,50,000/- to the present petitioner Manjit Singh Khalsa. This scene was captured in CCTV cameras installed at restaurant of the complainant and during enquiry, the complainant produced photographs and one pen drive containing CCTV footage thereof, wherein the petitioner Manjit Singh Khalsa is clearly visible while receiving the above said amount from Mandeep Singh and counting the same and keeping in his bag. After about 3 to 4 days, the complainant Mandeep Singh came to know from Youtube that Lalli Group Gurdaspur leveled allegations of cheating against the petitioner Manjit Singh Khalsa. Thereafter, the complainant Mandeep Singh asked the present petitioner Manjit Singh Khalsa to return his amount but the petitioner Manjit Singh Khalsa kept on putting him off. On 02.06.2020, the petitioner Manjit Singh Khalsa along with his wife Harwinder Singh and sister Simraniit Kaur came to restaurant of the complainant and the petitioner Manjit Singh Khalsa handed over one cheque of Rs. 8,90,000/- of account No. 34797901200000034 of Overseas Bank, branch Chhatisgarh as security to the complainant with an assurance to get back this cheque after returning Rs. 2,50,000/- to the complainant but the petitioner Manjit Singh Khalsa did not return the amount. The complainant Mandeep Singh presented this cheque in the bank which was dishonored due to insufficient funds in the account. During enquiry, it was also revealed that the petitioner Manjit

Singh Khalsa is a habitual of defrauding people and he had created a drama of his own suicide and case FIR No. 32 dated 09.06.2020, under Section 306 IPC, PS Dhillwan, District Kapurthala was got registered in this respect by his wife Harwinder Kaur, wherein the petitioner Manjit Singh Khalsa was arrested and released on bail. In addition to this, during enquiry, a report was obtained from office of Deputy Commissioner, Amritsar as per which it was found that the petitioner Manjit Singh Khalsa was not issued any license of Travel Agency. Therefore, the enquiry officer had reached to the conclusion that the petitioner Manjit Singh Khalsa has committed cheating of Rs. 2,50,000/-with the complainant Mandeep Singh on the pretext of sending him abroad on work permit. Therefore, recommendation was made for registration of an FIR in this respect against the petitioner. The legal opinion was obtained in this respect from the District Attorney, Legal, Amritsar, who opined that prima offences under Section 420 IPC and Section 13 of the Punjab Travel Professionals (Regulation) Act, is made out against the petitioner. Therefore, the present case FIR No. 291 dated 23.10.2020 (supra) was registered against the present petitioner Manjit Singh Khalsa.”

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

5. The State's counsel opposes bail and refers to the status report.

6. It would be appropriate to refer to the following portions of the status report, which read as follows:

“THE EVIDENCE AGAINST THE PETITIONER

10. That it is submitted that the prosecution evidence against the petitioner Manjit Singh Khalsa is primarily based on the written complaint submitted by the complainant Mandeep Singh, which is further supported by statements of eye witnesses Gurdial Singh, Amandeep Singh @ Sunny, in whose presence the petitioner Manjit Singh Khalsa had received Rs.2,50,000/- from the complainant. In addition to this, the complainant had also produced photographs and CCTV footage of this act. The present FIR No. 291 dated 23.10.2020 (supra) was registered against the petitioner Manjit Singh Khalsa on the basis of preliminary enquiry conducted by the Incharge Anti Human Trafficking Unit, Amritsar, wherein it was established that the present petitioner Manjit Singh Khalsa had duped the complainant of Rs. 2,50,000/- on the pretext of sending him abroad. Furthermore, based on the investigation carried out in this case by the investigating officers, the allegations leveled against the petitioner Manjit Singh Khalsa were duly established.

THE ROLE OF THE PETITIONER

11. That it is submitted that the present petitioner Manjit Singh Khalsa is the sole accused in the present case FIR No. 291 dated 23.10.2020 (supra). The present petitioner Manjit Singh Khalsa had duped the complainant of Rs. 2,50,000/- on the pretext of sending him abroad.”

7. Allegations against the petitioner are of duping Rs.2,50,000/- from the complainant. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per paragraph 5 of the bail petition, the petitioner has been in custody since 17.04.2024. Per the custody certificate dated 02.04.2025, the petitioner's total custody in this FIR is 11 months and 15 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above and the amount involved, 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.

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

10. 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)	

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

12. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

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

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

15. 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.

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

(ANOOP CHITKARA)
JUDGE

22.04.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.