



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

106

CRM-M-13751-2025

Date of decision: March 12th, 2025

Gurkirat Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ranjodh Singh Sidhu, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of anticipatory bail in FIR No.11 dated 10.02.2025 under Section 318(4) of the BNS and Section 13 of the Punjab Travel Professional (Regulation) Act, 2014, registered at Police Station Chohla Sahib, District Tarn Taran.

2. As per the allegations levelled in the FIR (Annexure P-1), complainant-Mandeep Singh in pursuit of his desire to migrate to USA, approached the petitioner through his father. The petitioner allegedly demanded ₹22 lakh for facilitating the travel of the complainant to USA. The father of the complainant paid the said amount in September 2024, and the travel of the complainant was then arranged from Spain to Bolivia and subsequently to Mexico via road. However, upon reaching Mexico, the complainant was allegedly asked to pay an additional ₹2 lakh, which his father arranged and paid to the accused. Despite these payments, the necessary arrangements for the complainant's onward journey were not made. The complainant was detained by *donkers*, subjected to beatings and forced to pay \$7000 for his release.

Subsequently, he was released by the American authorities and deported to India. Subsequently, accused including the petitioner neither assured the migration of the complainant nor returned the money, which was taken fraudulently from the complainant.

3. Learned counsel for the petitioner has contended that the petitioner is innocent and has been falsely implicated at the behest of the complainant. The petitioner is not even a travel agent. Hence, there was no occasion for him to have given any assurance to the complainant and his son to help in his migration to USA. It has been further argued that there is no documentary proof of the payments allegedly made to the petitioner. Still further, the FIR has been registered after an unexplained delay raising doubts about the veracity of the allegations. It is still further submitted that no recovery is to be effected from the petitioner and, therefore, his custodial interrogation would not be warranted.

4. Notice of motion.

5. Mr. H.S. Deol, Senior Deputy Advocate General, Punjab, accepts notice on behalf of the respondent.

6. Learned State counsel has opposed the prayer and submissions made by the counsel opposite by submitting, on instructions, that the allegations against the petitioner are of a grave and serious nature, involving deceitful extortion of a huge sum of ₹24 lakh from the father of the complainant under the pretext of facilitating legal migration. The learned counsel for the State has submitted that the custodial interrogation of the petitioner is necessary for ascertaining the entire financial trail identifying other individuals involved in such illegal activities and recovering the cheated amount.

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

8. The allegations against the petitioner *prima facie* pertain to a well-planned act of deception, wherein the complainant and his family have been defrauded of a huge sum of money. The nature of the offence not only involves financial loss to the victims but also has implications for illegal immigration and human trafficking. The nature of the offence indicates a larger network of illegal immigration activities. Although there may have been a slight delay in the lodging of the FIR, it would not dilute the seriousness of the allegations, particularly when the complainant was detained and deported under distressing circumstances. The necessity of custodial interrogation for recovery of the defrauded amount and unearthing the wider conspiracy cannot be ignored.

9. Thus, in view of the allegations levelled in the FIR, this Court is not inclined to extend the extraordinary concession of anticipatory bail to the petitioner.

10. The instant petition stands dismissed.

11. 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.

March 12th, 2025

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No