



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14029-2025
DECIDED ON: 17.03.2025

RAVI KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ravinder Bangar, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 of BNSS 2023 seeking grant of anticipatory bail to the petitioner in FIR No.009 dated 21.01.2025 (Annexure P-1) Under Sections:406,420,506, of IPC &13 of Punjab Travel Professional Regulation Act, 2014 registered at Police Station Bassi Pathana, District Fatehgarh Sahib.

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

“First Information contents (First Information Facts): Application No. 2812 dated 16.10.2024 (UID 459112) has been registered on the complaint of Harnek Singh, son of Pal Singh, resident of Village Mahmoodpur Sodhian, District Fatehgarh Sahib, against the Sarabjeet singh alias Ravi S/o Ashok Kumar R/o #221, Ward no. 10, Bhutto di chakki, Village Doraha, District Ludhiana before SSP, Fatehgarh Sahib, Which is written as under, To SSP,

Fatehgarh Sahib. Subject against the Visa complaint regarding fraud of rupees 18,23,500/-, for sending abroad Canada by agent Sarabjit Singh R/o Doraha, District Ludhiana (mobile no. 9056054431), (8699720758 Babli), UID 459112. my humble request that I am Harnek Singh, son of Pal Singh, resident of Village Mahmoodpur Sodhia, Tehsil and Police Station Bassi Pathana, District Fatehgarh Sahib, 1. I wanted to send my son Yadwinder Singh to Canada. I contacted with my nephew-in-law Sarabjit Singh, who is involved in sending boys and girls abroad, as we are relatives. 2. I discussed about sending my son Yadwinder Singh to Canada on a work visa with Sarabjit Singh. He agreed, and the entire discussion took place in the presence of my son and other family members at our village Mahmoodpur Sodhian, on dated 16.02.2024. After listening everything, Sarabjit Singh assured us that he would send my son to Canada on a work visa within two to two and a half months. However, he stated that the total expenses for this would be approximately Rs. 25,00,000/- (twenty five lakh rupees). We mentioned that the cost seemed high, but he insisted that he was offering a discounted rate due to their family relationship and that he wouldn't be making any profit. We agreed on the total amount of 25 lakh rupees, which he said could be paid in instalments. He took my passport and other documents. On dated 24.02.2024, I made a payment of Rs.15,000/- to Aman Katani on his mobile number: 99144-32924 through Google Pay, which he said was for file preparation. 3. After this, Sarabjit Singh gave me and my family full assurance that he would send our son on a work visa. 4. Sarbjit Singh took Rs. 4,00,000/- in cash from their house in March 2024 in the presence of their family members, which I withdrew from my son's account and gave to him. After this, he said that my son's visa had arrived and my son's biometrics had to be done, for which I would have to pay for the biometrics. Earlier, he used to say that he would bear all

miscellaneous expenses, but now he demanded Rs. 50,000/- from us for the biometrics. Upon our insistence, he took Rs.35,000/- in cash from us and got my son's biometrics done on 08.04.2024. Then, he got my son's medical done in Jalandhar, for which my son again gave him Rs. 8500/-in cash. 5. After this, on 31.05.2024, Sarabjit Singh came to our house and took Rs.4,00,000/-rupees in cash. I gave him this amount by selling the jewellery of my family members. 6. When my son's visa arrived, and my son saw the visa, it was found that my son's visa was a tourist visa instead of a work visa. When we talked to Sarabjit Singh again, he told us not to worry, that it was his responsibility to convert my son's tourist visa into a work visa after going to Canada. On 26.06.2024, the amount was given Rs.8,00,000/- in cash at village Fatehpur Araiyan when he was coming back from Kurukshetra and he told us to reach at Fatehpur Araiyan because its night time and he had some cash with him this amount was given by us by borrowing some from our relatives and some on interest. After giving him this amount, we asked when he would send my son abroad and he again promised to send my son abroad soon and left with the money. 7. He kept us in full confidence and sent my son to Canada on a tourist visa on 22.07.2024. My son stayed in Canada for about one and a half months, and my son kept calling Sarbjit Singh and we also kept meeting Sarbjit Singh, telling him that my son had been abroad for a month and a half. Please convert his tourist visa into a work visa. He said it was his responsibility and not to worry. I told him that you had assured me and my son that his lawyer would visit my son within 2-3 days after reaching abroad for the work visa he had promised. But he neither sent his lawyer nor converted my son's tourist visa into a work visa. 8. Thereafter, he called my son and started asking for Rs.65,000/-by saying he needed to prepare my son's work visa file. My son said that he had already paid him all the money and asked him to not ask for money

repeatedly. Then he told my son that he would file his refugee case, even though they had discussed a work visa. 9. In addition to the above mentioned amount, he started asking more money from my son, due to which my son had to return from abroad. He did not provide any facilities to my son in abroad and defrauded us with the said amount. 10. It has now been almost a month since my son came back from abroad. He still gives false hopes to my son and troubles to us. me and my son had visited so many times to his home at village Doraha but he didn't pay any heed to us, due to which me and my son have been harassed by him so many times 11) He is often not found at home and does not answer our calls. Instead, he threatens us, by saying that there is no need to come to his house repeatedly and he will return the money when he has it. He says there is no point in repeatedly visiting his house. also, being a relative, he has openly defrauded us of the said amount and deceived us by promising to get my son a work visa and settle him abroad. 12) Complainant gave total amount of Rs. 18,23,500/- to sarabjit Singh, but he has neither returned any amount to me or nor arranged any visa for my son to settle abroad because of which my son has suffered hardships and returned to India 13 That me and my family had collected the said amount with great difficulty due to which now me and my entire family are in depression due to which we are very much disturbed and on the contrary this person is refusing to give us our amount, he has kept us in depression by deceiving us and being a relative by defrauding us of the said amount and neither we can neither die nor live if any of our family member suffer any personal or financial loss, then the said Sarabjit Singh will be held responsible for it, so it is requested by submitting the application that due legal action be taken against the said person for defrauding us of the said amount and putting our family in depression and that the said amount be returned with interest so that this person cannot do this

to anyone else, please give us justice, we will be grateful to you. Dated: 08.10.2024, Yours truly, Harnek Singh (Harnek Singh son of Pal Singh) Resident of Village Mahmudpur Sodhian Teh: to Thana Bassi Pathanas District Fatehgarh Sahib Mo: No: 8: 99889 17640 Mr. DSP (D) for further action, which application number is 99889 17640 Marked Fatehgarh Sahib.”

3. Contention

On behalf of the petitioner

Learned counsel for the petitioner argues that the complainant's son holds a valid Canadian tourist visa from 03.05.2024 to 22.09.2027, and the complainant's family is currently benefiting from this visa. It is an admitted fact that the complainant's son travelled to Canada on a tourist visa and is still residing there. However, out of greed, the complainant is falsely implicating the petitioner by alleging that a tourist visa was provided instead of a work visa. He further contends that the petitioner is a man of clean antecedents as he is not involved in any other case of any nature.

It has been further contended 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 does not dispute the fact that the complainant's son travelled to Canada on tourist visa and opposes the grant of anticipatory bail to the petitioner on the ground that the present petitioner cheated the complainant in the name of getting work visa of Canada for his son but got issued tourist visa.

On query being put by this Court that whether such promise for providing work visa to the son of the complainant was ever made by the petitioner to the complainant, learned State counsel is unable to demonstrate any such cogent evidence to that effect.

4. **Analysis**

Be that as it may, looking into the totality of facts and circumstances and also an admitted fact that the complainant's son is still enjoying the tourist visa but out of greed, the complainant is falsely implicating the petitioner in the present FIR, this Court is of the considered view the present petitioner deserves the concession of anticipatory bail at this stage as the custodial interrogation of the petitioner at this stage is not necessary.

5. **Relief**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to him 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

17.03.2025

Poonam Negi

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