

2025:PHHC:055638



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

CRM M-14329 of 2025

Date of Decision: 07.04.2025

Gurbir Singh

...Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Bhawnesh Lakhera, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

Mr. Udai Singh Chauhan, Advocate and

Mr. Vinay Kumar Arya, Advocate, for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 482 of the BNSS with a prayer to grant anticipatory bail to him in case FIR No.214 dated 07.04.2023 registered under Sections 406, 420, 370, 34, 467, 468, 471, 120-B and 506 IPC and Section 24 of the Immigration Act at Police Station Ambala City, Ambala.

2. The FIR in the present case was registered on the basis of statement made by Kulwant Singh son of Dalip Singh, who had alleged that he was cheated by the petitioners and other accused to the

tune of Rs. 50 lacs on the pretext of sending his son to USA. The

Copy of the FIR has been reproduced below:-

“Sir, an application No. 918-PW dated 24.02.2023 marked in the office of Superintendent of Police, Ambala and after investigation from Economic Offences Wing, Ambala City was received at Bajaria Postal Police Station, which is as follows: To, Sir Superintendent of Police, Ambala Cantonment. Subject:1) Gurbir Singh son of Shri Khajan Singh resident of village Sarangdev Ajnala, District Amritsar Punjab, 2) Vikramjit Singh Mobile No. 7901808022 son of Jar Tarsem Singh resident of village Kot Kheda, Tehsil Baba Bala Sahia Kot Kheda District Amritsar Punjab, 3) Manpreet Singh Mobile No. 7696983879 son of Shri Gurcharan Singh resident of House No. 351, Gurnam Singh Wali Gali, Agwad Baba Jivan Singh, Daroli Bai Moga, District Moga Punjab, 4) Amanpreet son of baldev Singh district Jalandar, 5) Sandeep Kumar who is brother in law of accused No.3. I am a permanent resident. I work as a laborer. Many people of my village have gone abroad, so my son Daljit Singh was also interested in going abroad. In April 2022, accused No. 3 contacted us through social media. Accused No. 3 used to post on social media that he works with accused No. 1, 2, 4 and 5 to send people abroad legally and they have sent hundreds of thousands of people abroad in various visa categories. We After seeing the posts of the accused, I was impressed and talked to the accused No. 3 through social media. The accused No. 3 took my mobile number 8571929232 and started talking to me on this mobile number from his

mobile numbers 7696983879, 7559644296. The accused No. 3 himself used to call from his said phone and also made the other accused talk. All the accused told us that the accused have been sending people abroad legally for many years. The accused have sent hundreds of people abroad so far and the people sent abroad by them are earning lakhs of rupees every month. The accused also told us on the phone that they have also set up coaching centers for preparing IELTS, PTE etc. You come and see our centers and send your son Daljit Singh to the USA through us. I got influenced by the words of the accused and started talking to them. So I took my son Daljit Singh's passport and reached the house of Gurcharan Singh, son of Shri Mangal Singh, resident of village Maujgarh, (Barara) Ambala. There Gurcharan Singh made me talk to the above accused. After this, the accused met me once in Ambala. I asked them if they would come to my house, then they said that I am going to Delhi to get your son Daljit Singh's work done. I got influenced by the words of the accused and decided to send my son Daljit Singh to USA. At that time, the accused asked me for fifty lakh rupees for this work and told me that eight lakh rupees will have to be given first and the remaining forty-two lakh rupees will have to be given when Daljit Singh reaches USA and told me that the entire process of sending my son Daljit Singh to USA will take one month. All the accused came to Gurcharan Singh's house where I deposited three lakh rupees in Manpreet Singh's account and gave five lakh rupees in cash. I gave my son Daljit Singh's passport to the accused. In May 2022, the accused started telling the

applicant that Daljit Singh's flight to USA will be from Azerbaijan, so first Daljit Singh will have to go to Azerbaijan and from there the accused will arrange Daljit Singh's flight to USA. My elder son Manjit Singh, who lives abroad, had taken some amount from his son and some amount from his relatives as help. On 10-09-2022, I got a call from accused No. 3 and he started saying that Daljit Singh's ticket to USA has been booked, send Daljit Singh to Delhi tomorrow on 11-09-2022 to come to USA, on which I sent my son to Delhi. On 11-09-2022, the accused called and said that there are more of your companions inside the airport. Then after coming out, my son called the accused, they said that you come out of the airport and my men will give you visa and tickets to go further. When my son came here, they told my son that your tickets are not confirmed. They took us from there to some place and tied the hands and legs of our children in a big building and made our children make a false call to our parents the next day at gunpoint that they have reached USA. These culprits sent us duplicate boarding cards and tickets. They started telling us that your children are about to reach Brazil and will call you after reaching Brazil. After making us talk to our children on phone, culprit no. Gurbir Singh while talking on Manpreet Singh's phone asked me for the outstanding payment. I told him that as per your promise, Daljit Singh will reach USA and then I will pay the money. Then Gurbir Singh started telling us that we have to pay money further, you take the payment and come to Amritsar, we will make you talk. After that the culprits again made a video call to Gurbir Singh. Gurbir

Singh again threatened Daljit Singh and other boys that now you tell your family that you have reached Brazil, you have a stay of 5-6 hours. After that your sons will reach Mexico, you keep the money ready. Gurcharan Singh told me that Manpreet had called to reach Mojgarh village with the money. Manpreet and his two companions came to Mojgarh to take the payment. I told them to first make us talk to our children, then we will give the remaining payment. Then they told me to come to Amritsar with the payment, we will make you talk to them on video call. When we reached Amritsar with the payment, they made us talk to our children at gun point. The children said that we have reached Mexico, father give the payment to them. And the culprits told us that your children have left for USA from Mexico, now you will talk to them only after reaching USA. Then we told them to make us talk to our children before they reach USA, then they said that right now they are on road and going in a taxi, two of our men are with them, there is no range here, it will take two days to reach USA. We will try once to reach the border and talk to your children. But the culprits had kept our children locked in the same building. On 25-09-2022, our children and other children were left at Kolkata local airport. Our children talked to someone on the phone in a very frightened state and told us everything that happened to them. The police already knew about this case, so the police kept our children in their custody at NSCBI Airport Police Station, Kolkata. And made us talk to the children and told us that you should come to Kolkata and meet your children, your children are safe in our custody. Then we

left for Kolkata on 25-09-2022 at 3:00 pm by local flight and when we met our frightened children on the same day. After this we called the above accused. The accused told us not to take any further action and bring your children with you to us. We will return your children's passports and your money. After that we went to the accused and told them that they did not send our children to the USA, so return our money of Rs. 50 lakh each and the show money which the children had of 3000 USA dollars per person. After this the above accused called us several times, sometimes to Moga, sometimes to Shahkot, sometimes to Amritsar. When we finally went to Amritsar, they made us talk to an unknown person whom they were calling DSP Reader Kulwinder Singh on mobile number 9780004300. When we called Kulwinder on the above number the next day, Kulwant Singh said that I am not a reader and I have no dealings with this company. The above accused flatly refused to give us our money. And told us to do whatever you can, we will not give the money. The accused have cheated us of Rs. 50 lakhs each and show money of Rs. 3000 each USA Dollars in the name of sending our children abroad. Therefore, we request you to please get us the above amount by taking appropriate legal action against the above accused. We will be highly grateful to you. With thanks. Date 21-2-23 SD-KULWANT SINGH Applicants: Kulwant Singh son of Shri Dalip Singh, resident of House No. 243, Charkhi Mohalla, Ambala City District Ambala, Haryana”.

3. Learned counsel for the petitioner contends that the petitioner had no concern with the allegations levelled in the FIR and no transaction had taken place between him and the present complainant. However, the police had twisted the story and arrayed the petitioner as an accused in the present case. He further contends that the allegations were mainly levelled against Manpreet Singh and other co-accused, who had already compromised the matter with the complainant and had compensated the complainant. However, he admits that the petitioner had not settled the dispute with the complainant and had not returned his money.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by the petitioner on the ground that he was wrongly relying upon the order (Annexure P-3), whereby, the concession of regular bail was granted to Manpreet, co-accused. In fact, Manpreet was already in custody since last 06 months and he had compromised the matter with the complainant and had compensated him. However, the petitioner is praying for grant of anticipatory bail and has not paid even a single penny to the complainant. Learned State counsel further submits that the petitioner had been specifically named in the FIR by the complainant, who in connivance with his co-accused had cheated the complainant to the tune of Rs. 50 lacs. The complainant was assured that his children will be sent to USA, however, they were confined in a building and

on gun point, they were asked to make phone calls to their parents that they had reached USA and the remaining amount should be paid to the accused in the present case. Thus, keeping in view the seriousness of the allegations, the present petition deserves to be dismissed.

5. I have heard learned counsel for the parties and perused the record.

6. The Hon'ble Supreme Court has held in the matter of ***State of Gujarat v. Mohanlal Jitamalji Porwal (1987) 2 SCC 364***, as under:-

[5].The entire community is aggrieved if the economic offenders who ruin the economy of the State are not brought to book. A murder may be committed in the heat of moment upon passions being aroused. An economic offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of the consequence to the community. A disregard for the interest of the community can be manifested only at the cost of forfeiting the trust and faith of the community in the system to administer justice in an even-handed manner without fear of criticism from the quarters which view white collar crimes with a permissive eye unmindful of the damage done to the national economy and national interest....."

7. The Hon'ble Supreme Court has held in the matter of State represented by ***CBI v. Anil Sharma, (1997) 7 SCC 187***, as follows:

“[6]. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in task of disinterring offences would not conduct themselves as offenders”.

8. In the present case, from the analysis of the allegations levelled against the petitioner and the evidence collected against him so far, the present petition deserves to be dismissed by this Court. If the nature and gravity of the offences alleged against the petitioner is kept in mind, the petitioner fails to make out a case for grant of concession of anticipatory bail. In the considered opinion of the

Court, the custodial interrogation of the petitioner would be required to know the names of his co-accused and also to recover the documentary evidence and the money from him.

9. In view of the above discussion, finding no merits in the present petition, the same is ordered to be dismissed.

07.04.2025

amit rana

(N.S.SHEKHAWAT)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No