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

CRM-M-14739-2025
Date of Decision:12.05.2025

Palvinder Pal Singh Narli …Petitioner

vs.

State of Haryana …Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. J.S.Jaidka, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

Mr. B.S.Mamli, Advocate
for the complainant.

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N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant anticipatory bail to him in case FIR No.0045 dated 09.02.2025, registered under Sections 406, 420, 120-B of IPC, at Police Station Pehowa, District Kurukshetra.

2. The FIR in the present case was registered on the basis of the statement made by Gurcharan Singh and the same has been reproduced below:-

> *"The Superintendent of Police, Kurukshetra. complaint regarding taking action against the accused (1.) Virendra Joshi resident of Ludhiana, Mobile No. 8605656161 (2.) Palwinder Pal Singh son of Jamet Singh resident of H.No. 23-B, Street No. E/AE D-2A Dellta City, Village Rania, District Ludhiana, Mobile No. 6209000069 for cheating and extorting money from the applicant by deceiving him. Sir, the applicant submits that I, Gurcharan Singh son of Mahendra Singh, resident*

of village Asmanpur, Tehsil Pehowa, District Kurukshetra, am a peace loving person who believes in law.

1. That the applicant wanted to send his daughter Kamaljit Kaur to Canada on a Tourist Visa. In this regard, the complainant talked to one Prajeet Singh, son of Sukhbir Singh, resident of village Uralana Khurd, Tehsil Matloda, District Panipat, who is son of his sister-in-law (Sali). He told the that I know one travel agent named Virendra Joshi. I have got many of my works done through him. He is a trustworthy man. Prajeet Singh made the applicant talk to the above-mentioned accused No. 1 on the phone and after our conversation on the phone, he decided to come and meet me at Pehowa.

2. That in April 2023, accused no. 1 and accused no. 2 came to my house. Where son of my sister-in-law i.e. Prajeet Singh was also present. We discussed about my daughter Kamaljit Kaur's tourist visa to Canada. The accused assured us that they will get tourist visa for my daughter our deal was fixed for Rs 5 lakh. At the same time, the accused took passport, Aadhar card, PAN card, photograph and other documents of Kamaljit Kaur, from the complainant and the accused said that give us Rs 2 lakh to prepare the papers etc. The rest of the money will be taken when the visa will be issued. At that time, the complainant had Rs 1 lakh 80 thousand, which the applicant gave to the accused in the presence of Prajeet Singh.

3. That after some time, the above accused came to the applicant's house in his village Asmanpur and said that your daughter will not get a Tourist visa alone and you also need to get tourist visa for yourself alongwith. The applicant fell into the trap of the above accused and gave passport, Aadhar card, PAN card, photograph and other documents to the accused to get his own tourist visa. The deal for getting visa for the applicant and the applicant's daughter was finalized for a total of 9 lakh rupees. The *above accused demanded 68 thousand rupees from the applicant for immigration fees etc. and the applicant transferred 88 thousand rupees through RTGS to the account of accused no. 2.*

4. That after some days, complainant received a call from the above accused asking if they could arrange work visas for both of them? The accused showed the complainant very lucrative dreams and the complainant fell into the trap of the accused and agreed for work visa. The accused agreed for Rs. 18 lakh per person for getting work visa and it was told that it will take 3-4 months to get these visas. During this time, if your visa does not come due to any reason, we will return your money and all the documents along with interest. The accused told the complainant that the accused have their own person in the Canadian Embassy who arranges visas by paying money there. For which the accused have to give Rs. 7 lakh to the Canadian Embassy. The applicant fell into the trap of the accused and on the demand of Rs. 7 lakh from the accused, the applicant sent Rs. 7 lakh through RTGS to the account of accused no. 2. In this way, a total amount of Rs 9,48,000/- went to the said culprits from the applicant's side.

5. That after elapse of 3-4 months, the applicant did not receive any call from the accused nor did the applicant make any call to the accused Thereafter, when the applicant called the accused after the given time had passed, the accused assured the applicant that his file is still under process in the embassy and it will take some more time. Time passed and whenever the applicant called the accused, the accused stopped taking the applicant's phone and started switching off the phone. The applicant got suspicious about the accused and wondered whether the accused had cheated the applicant.

6. That on repeated phone calls of the applicant, the accused came to the applicant's house and said that his file is in process and after assuring him, gave him a cheque of Rs. 7 lakhs bearing no. 000011 of D.T.V. Bank, Ludhiana and assured him that he can get *the cheque cashed from the bank. When the applicant enquired about the cheque from the bank, he came to know that the payment of the cheque given by the above accused has been stopped.*

7. That after passing of more time, the applicant called the accused and the accused said that it is taking time because there is some deficiency in the documents given by you. We have fulfilled the deficiency in your documents, very soon your visa will come. But even after when more time passed, the applicant did not get any reply from the accused, so the applicant told the accused that he will take legal action against them. To avoid legal action, accused no. 2, filed a false case against the applicant in Civil Courts Ludhiana which is false and completely baseless. In which accused no. 2 has pleaded that the applicant has got tourist visa but the accused neither gave any photocopy of the visa to the applicant nor gave any documents.

8. That the above accused have conspired with each other and cheated the applicant of Rs. 9,48,000/- and are keeping the documents of the applicant and the applicant's daughter with them illegally. Therefore, I request you to register a case of fraud against the above accused and get the applicant's money and documents back. Therefore, it is requested to you that strict legal action should be taken against the said accused and a case of fraud should be registered and action should be taken for illegally keeping the passport and other documents of the applicant and the applicant's daughter in their possession. Sir, I will be very grateful. With thanks. Date: 17/12/2024 Sd/- Guruan Singh Applicant Gurcharan Singh son Mahender Singh resident of village Asmanpur, Tehsil Pehowa District Kurukshetra. "

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case without any lawful justification. He further contends that in fact, the complainant had suppressed relevant facts in

the FIR and the FIR has been got registered by the complainant as a counter blast to the civil suit filed by the present petitioner. He further submits that as per the admitted case of the complainant, he had agreed to pay a sum of Rs.18 lacs per person to the present petitioner for arranging a work visa for the complainant and his daughter. He further contends that after the visa of the complainant was issued on 27.02.2024, the complainant refused to make further payments and rather pressurized the petitioner and his firm to return the amount to them. He further contends that the petitioner has already filed a civil suit titled as "Palvinder Pal Singh Vs. Gurcharan Singh etc." before the civil Courts at Ludhiana, seeking mandatory injunction against the complainant for payment of balance amount of Rs.11 lacs and to return the original cheque of Rs.7 lacs.

4. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner had agreed to send the complainant and his daughter abroad and the deal was struck for a total sum of Rs.9 lac. Even a sum of Rs.9.48 lacs were paid to the present petitioner and his co-accused, still the work visa was not granted to them. Apart from that, he further contends that an amount of Rs.7.68 lacs was deposited in the account of the petitioner and the petitioner had agreed to return the amount and had issued a cheque of Rs.7 lacs for that end.

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

6. In fact, the concession of anticipatory bail can only be granted in cases, where the Court comes to the conclusion that an accused is being harassed without any justification. In the present case, this Court has noticed

that there are specific and serious allegations against the present petitioner, who has cheated a poor person to the tune of Rs.9.48 lacs. Even otherwise, such type of cheating, duping and fraud are rampant nowadays and innocent people are being cheated by unscrupulous people on the pretext of sending them abroad. Even his custodial interrogation would be required to know the names of other persons, who might be involved with him and to recover the amount, which has been illegally taken by him.

7. At this stage, without commenting anything on the merits of the case, the present petition is ordered to be dismissed.

8. Needless to observe that the above observations have been made only for the limited purpose of the disposal of the present bail application which shall not be construed as an expression of opinion on the merits of the case.

(N.S.SHEKHAWAT)
JUDGE

12.05.2025
hemlata

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No