IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

104 **CRM-M-16347-2025**
DATE OF DECISION:25.03.2025

AMANDEEP SINGH **...PETITIONER**

Versus

STATE OF PUNJAB **... RESPONDENT**

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Nikhil Ghai, Advocate for the petitioner(s).

Mr. Jaspal Singh Guru, AAG, Punjab.

Mr. Liaqat Ali, Advocate for the complainant.

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SANDEEP MOUDGIL, J (ORAL)

1. **Prayer**

This petition has been filed under Section 482 of BNSS of 2023 for issuance of a direction to the arresting officer to release the petitioner on bail in FIR No.15 dated 07.02.2025 (Annexure P-1), under section 420 IPC and section 24 of Immigration Act, P.S. Dakha, District Ludhiana.

2. Prosecution story, set up in the present case as per the version in the FIR reads as under :-

> *'It is respectfully submitted that 1, Naurang Singh son of Teja Singh, ama resident of village Phullanwal District Ludhiana. In order to send my son Gurpreet Singh to Canada, I met one travel agent Amandeep Singh son of Surjit Singh*

resident of House No. 276/278, Ward No. 11, Near Police Station Mullanpur Dakha (Ludhiana) and talked to agent Amandeep Singh. Amandeep Singh agent told me that his brother Bablu is well settled in Uganda and he will send my son Gurpreet Singh to his brother and from there his brother will send Gurpreet Singh to Canada and they had sent many boys to Canada earlier also like this. Our talks were finalized at Rs. 18,00,000/-(Rs. Eighteen Lacs) with above said agent Amandeep Singh and on 28.04.2012 1 have Rs. 1,50,000/- in cash to agent Amandeep Singh. Then again on 04.05.2013, Rs. 60,000/- and on 19.05.2013 Rs. 1,50,000/- were given in cash. On 17.09.2013, Rs. 2,50,000/- were given in cash and on 09.11.2013, Rs. 2,00,000/- were given in cash and agent Amandeep Singh sent my son Gurpreet Singh to his brother Bablu in Uganda and on 13.09.2013, agent Amandeep Singh demanded Rs. 20,000/-, which we gave. We sent money to our son Gurpreet Singh separately also for meals and stay etc., because agent Amandeep Singh told us that one did not get proper meals there and Gurpreet Singh needed money for his mobile also. I have receipts of the bank in respect of the money, which I have sent till date. Agent Amandeep Singh used to change the sites of these boys time and again by asking his brother Bablu and kept on taking stays in Uganda, Kampala, Benin, Burundi, Kenya. Then agent Amandeep Singh gave a letter to me, in which touristvisa was shown in 25, 26, 27th October, 2013 but at that time, he did not send my son. Then agent Amandeep Singh made a pretext that programme has changed. Then agent Amandeep Singh gave another letter, in which showing flight of Toronto Canada on 06.01.2014 and return was of 01.02.2014 but he did not sent my son to Canada as per that letter also. Thereafter he started putting me off on one pretext or the other that visa issuing authorities were demanding more money and as such he was not allowed to board the flight earlier also and now after giving whole money, *visa will be got issued afresh. My son and other boys somehow came back from Kenya to Burundi in that hotel. Agent Amandeep Singh's brother Bablu had sent them secretly and did not give money of Hotel owners. Therefore, my son and other boys were caught by the police there. Then they made a phone call to me and I requested them that I will send money to them in two four days because they had told me that they will send the boys to jail. I got scared that if my son Gurpreet Singh went to jail, he will not come back. Then I talked to my daughter, who lives in America that Gurpreet Singh was in difficulty and money was sent to him. Then she sent 4000 Dollars 100 dollars, total 4100 Dollars, which comes to Rs. 2,46,000/- inIndian currency. Thereafter on the asking of agent Amandeep Singh, Rs. 1,85,200/-were again transferred. Then I purchased return ticket of my Gurpreet Singh son worth Rs. 48,000/ After all this, my son Gurpreet Singh and Karamjit Singh boy of our village reached home in India with great difficulty. Then I told agent Amandeep Singh that our son could not reach Canada and therefore, he should return our money. But till date, agent Amandeep Singh has transferred Rs. 15,000/- in my bank account on 04.01.2017 and thereafter he gave Rs. 25,000/- in cash on 24.7.2018 and on 17.01.2019, he gave cash of Rs. 20,000/-, then Rs. 25,000/- in cash on 25.05.2019, Rs. 15,000/- in cash on 23.09.2019, Rs. 10,000/ on 31.07.2020, Rs. 10,000/- in cash on 27.11.2020 and Rs. 10,000/ on 14.06.2021. Till now agent Amandeep Singh has returned Rs. 1,30,000/ to us and remaining amount is outstanding. Now when we make phone calls to Amandeep Singh or go to his home, then he sends us back by making pretexts that he will return our balance money in 2-4 days. But now agent Amandeep Singh has flatly refused that we should take whatever action we could take, he will not return our money. Being an Ex-Serviceman, I request you that strict legal actionbe initiated against agent Amandeep Singh for committing cheating of Rs. 13,09,000/ with us and our money be* *got returned. Appropriate legal action be initiated against agent Amandeep Singh and his brother Bablu in Uganda and justice be imparted to us. I shall be thankful.'*

3. <u>Contentions</u>

<u>On behalf of the petitioner</u>

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. He submits that there is delay of 12 years from the date when the cause of action took place at the first instance as is emerging out of the facts on record mentioned at the time of arguments before this Court. It is also asserted by him that the petitioner has returned a sum of Rs. 2.30 lakhs in instalments within a period ranging from 04.07.2018 to 14.06.2021, moreso, on 16.05.2017, the petitioner paid an other amount of Rs. 20,000/- by way of cheque.

Learned counsel for the petitioner undertakes that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer.

Notice of motion.

<u>On behalf of the State and complainant</u>

Learned State Counsel appearing on advance notice on instructions from Investigating officer as well as counsel for the complainant would unfold the facts after having conducting a preliminary enquiry to the effect that an amount of Rs. 14,03,500/- have been paid in cash to the present petitioner on the pretext of sending the son of the complainant abroad i.e. Canada via Uganda, though put on record on instructions that the son of the complainant was sent to Uganda after arranging visa by the petitioner and co-accused persons but thereafter, he had to return back to India due to some objection on the documents.

At this stage, the complaint was given by the complainant i.e. father of Gurpreet Singh to the Senior Superintendent of Police, Ludhiana on 20.04.2023 for the first time whereas it is an admitted fact that Gurpreet Singh came back India on 07.05.2014 thereafter, part of the payment seems to have been returned as has been put forth by counsel for the petitioner.

4. **Analysis**

In light of the above narrated facts, the Court do not find any requirement for custodial interrogation of the petitioner, particularly considering the facts that there is delay of about 12 years in lodging the FIR from the date of cause of action if any arose in favour of the complainant and his son. Interestingly, another aspect which is worth noticing here that son of the complainant is not the complainant in the present FIR who is admittedly 34 years old and on that account also the FIR is silent which is neither explaining the delay in lodging of the FIR nor the reason as to why the son of the complainant himself is not coming forth to pursue the complaint against the present petitioner.

In view of the above discussion, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **<u>Relief</u>**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of 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 one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

25.03.2025
anuradha

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*