103 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19140-2025
Date of Decision:07.04.2025

AMRITPAL SINGH HARCHANDIYA ALIAS AMRIT VIRK AND ANOTHER

...Petitioners

Vs.

STATE OF HARYANA AND ANOTHER ...Respondents

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kawalpreet Singh Virk, Advocate for the petitioners.

SANDEEP MOUDGIL, J. *(Oral)*

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioners in case in FIR No. 103 dated 25.02.2025 under Sections 406 and 420 IPC and Section 24 of the Immigration Act, registered at Police Station Assandh, District Karnal.

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

> *brief facts of the case are as follows: On 25.02.2025, PS1 Yogesh Kumar appeared at the police station with a written application numbered 5047, for appearance on 27.12.2024, from the office of the Superintendent of Police, Karnal. The application was submitted by Arshdeep Singh, son of Balbir Singh. village Pakhana, district Karnal (Haryana), against: 1. Amritpal Singh Harchandiya, son of Gurvinder Singh, resident of Dera Harchandiya, Assandh. district Karnal. 2. Malak Singh Bath, son of Kala Singh, resident of village Basi Dera, near Junglaat Bassi Bilona, Assandh, district Karnal. Regarding the accused Amritpal*

Singh and Malak Singh mentioned above fraudulently extorting 12 lakh under the pretense of sending abroad. After investigation, the report was received via post at the police station from the Superintendent of Police's office, Sector 12, Karnal. The copy of the application is as follows: Fo, The Honorable Superintendent of Police, Karnal (Haryana), Subject: Regarding legal action for fraud committed under the pretense of sending abroad. Against: 1. Amritpal Singh Harchandiya, son of Gurvinder Singh, resident of Dera Harchandiya, Assandh, district Karnal. Mobile No.: 930140070. Home Phone: 9671671442. 2. Malak Singh Bath, son of Kala Singh, resident of village Basi Dera, near Junglaat Bassi Bilona. Assandh, district Karnal. Mobile No.9991020062, 9992555556 Home Phone: 9006180750 (Both partners of Star Immigration, Safidon Road, Assandh, district Karnal Respected Sis, I Arshdeep Singh, s/o of Balbir Singh, resident of village Pakhana, district Karnal am a law-abiding person who has complete faith in the Indian legal system, and respectfully submit the following application: The accused Amritpal Singh, son of Gurvinder Singh, resident of Dera Harchandiya, Assandh, and Malak Singh Bath, son of Kala Singh, resident of village Basi Bilona, Dera near Junglaat (Beed), who run a business under the name Star Immigration on Safidon Road. Assandh, regarding sending abroad, have cheated me of money. These individuals came into contact with me through my acquaintance Major Singh, resident of Pakka Kheda, district Karnal. According to them, they would send me to America with a visa in my name, and the cost for this would be 240 lakh. I had to pay 25 lakh in cash, and the show money had to be taken along personally, which would be deducted from the 240 lakh at the time of final payment. Since my acquaintance Major Singh's one or two relatives' children had been sent abroad by them earlier, due to their past dealings and their sweet-talking, we got trapped. In May 2024, I gave them 25 lakh in cash and my passport, and they assured me that they would soon get my visa approved and send me to America. In the first week of June 2024, Amritpal Singh contacted me and told me that my work was done and that they would take me from India to Brazil, from where my U.S. visa would be issued. On June 12, 2024, they sent me a Qatar Airways ticket, which was from Doha

(Qatar) to Brazil, and said that the ticket from India to Doha, my passport, and Brazil visa and other travel-related documents will be handed over to you at Delhi Airport by our person. On June 11, I was about to leave for Delhi to catch the flight. Before leaving, when I contacted these people, they said that the Brazil arrangement did not work out, so now we will first get you a China visa and send you to China, and from there,we will arrange for America. They sent me a photo of the China visa, which was valid from June 20, 2024, and said that now we will first send you to China. Then they told me to be ready to go to China via Thailand. On June 26, 2024, 1 reached Delhi Airport with 5,000 US dollars as show money. There, one of then persons met me and gave me the ticket to Thailand, hotel booking, etc., and took 3,500 dollars, from me outside the airport itself in the name of Immigration Setting, which they called "Kadchi" They sent me to Bangkok on a SpiceJet flight from Delhi to Bangkok. After reaching there, I was kept in a hotel for about one month. After reaching Bangkok. Amritpal sometimes answered the phone, sometimes he didn't. In this way, the talk of sending me to China also turned out to be false. Now I even feel that the China visa they got for me was also fake. In Bangkok. Thailand, my remaining 1,500 dollars were also spent on hotel expenses and food, and I had to ask for more money from home. They kept saying that it would be adjusted in the final payment. In this way, my Thailand visa was expiring on July 26, so on the same night, they gave me a ticket to Mumbai and called me back to India. They said that now your work will be done from Ethiopia (Africa).On July 30, 2024, they sent me to Addis Ababa, Ethiopia, on a Kenya Airlines ticket and said that after 10 days, you will get a Brazil visa here, then you will go to Brazil, and from there, we will send you to America. After 10 days, they again demanded additional payment in the name of show money, which my father arranged through our commission agent and got 4 lakh rupees paid to Major Singh. Major Singh transferred it from his DCB Bank account to Amritpal Singh's Indusind Bank account. Even after receiving the money, they did not proceed further, and I got stuck there. Since they did not take any action, I got tired and returned to India and started asking for my money back. I even went to Amritpal's house with respectable people, where Amritpal.

Malak, and Amritpal's father assured me that they would return my money by November 25, but they did not give anything. My father started getting very worried because we had taken the money on interest. The week was not done, and now they were not even returning the money. After that, once I also went to Malak Singh's house with some people, but he did not listen to anything. Instead, he started threatening during the conversation. On December 18. 1 contacted Amritpal, but he started misbehaving directly and said. "Do whatever you want." He stopped answering my phone. I was covering my accommodation and hotel rent there from my own pocket. They kept making false promises and did not return anything to me Twice I went with some of my relatives, but he said, "You come to my house every day like a fool, I will not give you any money, whether at home or in the office. Do whatever you can." "Yes, before doing anything, find out who we are. You will also know soon. Don't ever come near my house or around me again. Do whatever you can. We have dealt with many like you before." Many people like me have returned crying helplessly. My father started falling sick due to tension and 2-3 times they had to be admitted to the hospital. Later, we gathered information about Amritpal and Malak Singh from several acquaintances and found out that they had committed fraud with many people before. Several serious cases have also been registered against them, including a case number 0323 dated 26.04.2024 at Assandh Police Station, in which both of them, along with some of their associates, have been charged under sections 323, 307, 279, 148, 149, and 506 of IPC 1860. Respected Sir, after that, my family and I started fearing for our lives and property. Respected Sir, I have been a victim of fraud by these fraudsters, and now they are threatening to kill me and break my hands and legs. My father is also under extreme stress. I request you to take appropriate legal action and provide me justice. Enclosed: Applicant: Arshdeep Singh, son of Balbir Singh, Village Pakhana, District Karnal (Haryana). Mobile Number: 9670800013 Upon which, case number 103, dated 25.02.2025, under Sections406. 420 IPC and Section 24 of the Immigration Act, was registered at Assandh Police Station. District Karnal. The investigation of the case was carried out by P-SI Yogesh Kumar. During the investigation, copies of flight *tickets, visa, and passport were obtained. Chat messages sent via WhatsApp by the accused Amritpal were also collected. In the case, 212 lakh is to be recovered from the accused, and a thorough interrogation is to be conducted. If the accused are granted bail, they will not return the money and may flee abroad. It is humbly requested to the Honorable Court that bail should not be granted to the accused."*

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioners contends that the story is totally concocted in the FIR *qua* them as there are some pending, existing financial transactions between them and one Major Singh, but the same has been given the shape of instant FIR with an intent to rope in the petitioners using the same as an arm twisting mode. He further submits that allegations *qua* the transfer of money by Major Singh to the account of present petitioners is totally false. He further undertakes that the petitioners are ready to join investigation and will cooperate with the concerned Investigating Officer and will provide the complete information of their bank accounts

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Chetan Sharma, DAG, Haryana, accepts notice on behalf of the State and have no instructions regarding the alleged Immigration Centre being run by the petitioners is authorised or not, though vehemently opposes prayer for grant of concession of anticipatory bail stating that an amount of Rs. 4,00,000/- has been deposited by the complainant in the bank account of Major Singh, apart from that a sum to the tune of US $ 35,000/- and Rs. 5,00,000/- cash was given to Major Singh directly, therefore, prays for dismissal of the petition.

4. **Analysis**

Be that as it may, learned State counsel has no cogent evidence or material to demonstrate before this Court for holding the story of prosecution in right earnest and in light of the above, this Court is of the considered view that once the petitioners undertakes to join the investigation and provide the necessary details of their bank accounts and other information regarding the allegations levelled against them by the complainant also no case for custodial interrogation is made out, there is no reason to deny the petitioners the concession of anticipatory bail, wherein the petitioners have 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. **Relief**

In the light of above, the petitioners are hereby directed to be released on anticipatory bail subject to their 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 petitioners 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 petitioners does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands disposed off.

(SANDEEP MOUDGIL)
JUDGE

07.04.2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No