IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

104

CRM-M-22267-2025
DECIDED ON: 28.04.2025

HARMANDEEP SINGH

.... PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. R.S.Sidhu, Advocate
for the petitioner.

*****

SANDEEP MOUDGIL, J

1. ***RELIEF SOUGHT***

The jurisdiction of this Court under Section 482 B.N.S.S. has been invoked seeking grant of anticipatory bail to the petitioner in case FIR no.188, dated 21.07.2024, under Sections 420, 467, 468, 471,120-B IPC registered at Police Station Jandiala, District Amritsar.

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

Complaint No: 316-PGD DT 11-04-24 To the Honorable SSP Sahib, Amritsar (Rural). Subject: Application against (1) Harman Singh (Mobile No. 90562-38393) son of Amrik Singh, (2) Amrik Singh (Mobile No. 99151-38393) Sarpanch of Village Jalalabad, Khadoor Sahib, (3) Manpreet Singh regarding committing fraud in the name of sending abroad in connivance with each other, creating fake documents, including fake visa and fake e-ticket and playing fraud. Respected Sir, I, Satnam Singh son of Harbhajan Singh resident of

Village Gadli, Jandiala Guru, District Amritsar, humbly submit the following: 1. That I work with FCI and am a peace-loving citizen. I was making efforts to send my son, Rajkaran Singh who has passed 12th grade, abroad for a better future. During this time, my nephew Jagroop Singh, resident of Village Rure Assal, District Tarn Taran, who was pursuing a course at the Dairy Department near Amritsar Bypass, informed me that Harman Singh son of Amrik Singh, who was also doing the course with him, had claimed that he and his father are agents and had helped many people go abroad. Upon hearing this, my nephew told them that his uncle's son also wanted to go abroad. Harman assured that he could arrange a work permit visa for Italy for him, and that they had many acquaintances in Italy, so your cousin would face no issues. Harman then suggested that I should bring my uncle and my cousin and meet him and his father so they could prepare his file for going abroad. A meeting was scheduled for 18-12-2023 at Haveli in Jandiala Guru. On the scheduled date, I, along with my son, went to the Haveli, where Harman arrived with his father, and Manpreet Singh, who seemed to be Harman's cousin, was also present. Harman's father assured me that they would arrange a work permit visa for Italy for my son, and the total cost would be approximately Rs. 7-8 lakh. They also mentioned that their relative named Dharmapreet, living in Italy, would take care of my son and that I could share my son's mobile number with him to establish contact. Subsequently, to complete the formalities for the visa, on 12-01-2024, I transferred Rs. 50,000/- to Manpreet Singh's account from my SBI bank account (receipt attached). A few days later, my son and I went to the village of the accused at Jalalabad, Khadoor Sahib, where we handed them a sum of Rs. 1 lakh in cash and also gave them my son's passport for visa stamping. They returned the passport with a visa stamped for 13 months. Respected Sir, it is worth mentioning that they - did all this to defraud us for more money. When we inquired about the visa later, we found it was fake (copies of the fake visa and passport attached). During this time, Dharampreet from Italy was also chatting with my son through WhatsApp using mobile number 351934058197 to avoid suspicion (WhatsApp chat copy attached). On 12-02-2024, I handed *over a cheque for Rs.5 lakh from Punjab National Bank bearing cheque number 265299 to Harman Singh (proof of Rs. 5lakh payment is attached), and this amount was debited from my account and added towards him more. Additionally, Harman took another Rs. 50,000 from me, supposedly for currency transfer. Until now, the accused has taken Rs. 7 lakh from me. They also booked a flight ticket for my son for 25-2-2024. However, due to illness, my son couldn't travel that day. Then, they arranged a ticket for 10-03-2024 and collected another cheque of Rs. 2 lakh bearing cheque number 265301 from me, dated 10-05-2024 (cheque copy attached). Sir, on 10-03-2024, my son and I reached Guru Ram Das International Airport, where we were shocked to learn that the ticket was fake. It is worth noting that the tickets for 25-02-2024 and 10-03- 2024 had the same booking reference numbers, with only the date changed, indicating that the ticket was forged (copies of both tickets attached). Afterward, when we tried to contact the accused, they apologized and promised to return the money. However, they kept delaying the repayment. I have the call recordings of their conversations in my phone, which I can present if required. Recently, their mobile numbers have been switched off. On 18-03-2024, we visited their village, where they admitted their mistake in front of former Sarpanch Harpal Singh and other respectable individuals and asked for a few more days to return the money, but they continue to evade repayment. Respected Sir, I am a poor, hardworking person, and the money I gave them was my hard-earned savings, along with some borrowed from relatives. The accused have defrauded me, causing mental and financial distress to me and my family. Therefore, I request you to take legal action against these fraudsters so they do not deceive others and ensure that my money is returned. Yours sincerely, Satnam Singh, son of Harbhajan Singh, Resident of Village Gadli, Jandiala Guru, District Amritsar. Mobile No: 9779862130."*

3. ***SUBMISSIONS***

ON BEHALF OF THE PETITIONER:

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present FIR wherein it has been alleged that the petitioner along with co-accused has duped the complainant to an amount of approximately Rs.7,00,000/-. He further contends that rather the complainant had handed over just one cheque to the petitioner bearing no. 265301 for an amount of Rs.2,00,000/- which is still in possession of the petitioner and has not been encashed which shows his bonafide therefore, no ingredient amounting to offence of cheating is visible from the conduct of the petitioner hence prays for grant of anticipatory bail.

Notice of Motion

ON BEHALF OF RESPONDENT-STATE:

On the asking of the court, Mr.Jastej Singh, DAG Punjab who is present in the court accepts notice on behalf of the state and contends at the very outset that the petitioner along with co-accused have duped the complainant for an hefty amount of Rs.7,00,000/- on the pretext of sending his son to abroad on work permit but neither he was sent abroad nor his money was returned. He further contends that the petitioner and his father have forged the VISA documents and even gave the fake ticket to abroad therefore the offence being serious in nature, the petitioner cannot be granted the concession of anticipatory bail.

4. Heard learned counsel for the parties at length.

5. ***ANALYSIS AND CONCLUSION***

Be that as it may, after considering the submissions made herein above and on perusal of the assertions made in the petition as well, this court is of the firm view that custodial interrogation of the petitioner is required particularly in view of the fact that serious overt act has been attributed to the petitioner.

From the assertions made by the Learned State counsel, it is further evident that the father of the petitioner assured to arrange the work for the son of the complainant and stated that the total expense would come to Rs.7,00,000/- Rs.8,00,000/- which was transferred by the complainant in instalments which in total came out to be Rs.7,00,000/-. Not only this, after being cheated and finding out that the VISA documents were forged and a fake ticket was handed over to the son of the complainant, the complainant reached to the petitioner and the co accused asking for his money back, they kept on delaying the matter which makes it amply clear that their intentions were not bonafide since the inception.

Moreover, it is settled proposition of law that power exercisable under Section 482 BNSS, 2023., is somewhat extraordinary in character and it is to be exercised in exceptional cases. In State of ***Andhra Pradesh vs. Vimal Krishna Kundu, AIR 1997 SC 3589,*** Apex Court has held that in case of well orchestrated conspiracy, if the accused is equipped with anticipatory bail order before interrogated by police, would greatly harm the investigation and would impede the prospects of unearthing all the ramification involved in the conspiracy. Similarly, in ***Ram Govind Upadhyay versus Sudarshan Singh, (2002) 3 SCC 598***, it has been observed as under:

> *"3. Grant of bail though being a discretionary order — but, however, calls for exercise of such a discretion in a judicious manner and not as a matter of course. Order for bail bereft of any cogent reason cannot be sustained. Needless to record, however, that the grant of bail is dependent upon the contextual facts of the matter being dealt with by the court and facts, however, do always vary from case to case. While placement of the accused in the society, though may be considered but that by itself cannot be a guiding factor in the matter of grant of bail and the same should and ought always to be coupled with other circumstances warranting the grant of bail. The nature of the offence is one of the basic considerations for the grant of bail — more heinous is the crime, the greater is the chance of rejection of the bail, though, however, dependent on the factual matrix of the matter."*

6. Keeping in view the allegations, the petitioner is not found entitled to the discretionary equitable relief of the anticipatory bail, which is to be granted in exceptional circumstances and not in routine. It is meant to save the innocent persons from the harassment and inconvenience and not to screen the culprits from arrest and custodial interrogation. Therefore, the petition being devoid of merits stand dismissed.

7. However, it is made clear that the observations in this order are only for the purposes of deciding this bail application and the trial Court is free to adjudicate upon the matter in accordance with law.

8. Ordered accordingly.

(SANDEEP MOUDGIL)
JUDGE

28.04.2025
anuradha(v)

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