IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-28462-2025
Reserved on: 08.09.2025
Pronounced on: 24.09.2025

GURJINDER PAL SINGH ALIAS JASPREET ...PETITIONER

VERSUS

STATE OF HARYANA …RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sonpreet S. Brar, Advocate for the petitioner.

Mr. Atul Gaur, AAG, Haryana.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
32	17.01.2025	Gharaunda, District Karnal, Haryana	406/420 and 506 IPC and Section 24 of Immigration Act

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per paragraph 5 of the bail petition and para 7 of the status report, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date/Year	Offenses	Police Station
1.	20	2022	420 of IPC	Bhaini Miyan Kala, District Gurdaspur, Punjab
2.	225	2020	420/120-B IPC	Kum Kala, District Ludhiana, Punjab
3.	225	07.08.2024	406/420/468/471 of IPC	Safido, District Jind
4.	123	29.06.2024	406/420 IPC and 10/24 of Immigration Act	City Thanesar, District Kurukshetra
5.	78	03.04.2024	406/420 IPC	Safido, District Jind
6.	17	23.01.2024	406/420/120-B IPC and 10/24 of Immigration Act	Farakpur, District Yamuna Nagar
7.	52	28.03.2024	406/420/506/120-B IPC	Jhaansa, District Kurukshetra

8.	85	29.04.2024	406/420 of IPC and 10/24 of Immigration Act	City Thanesar, District Kurukshetra

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

> *"2. That in compliance of order passed by this Hon'ble Court, it is submitted that on 17.01.2025, a complaint was received at the police station from Vinod Kumar son of Sh. Jile Singh resident Ward No. 1, Furlak Road, Gharaunda, District Karnal against 1. Sulkhan Masih @ Ajay son of Yakub Masih. 2. Neeraj Saini wife of Sulkhan Masih @ Ajay resident of Jail Singh Colony Gharaunda, District Karnal, 3. Gurjinder Pal Singh @ Jaswinder Singh son of Balraj Singh resident of Saidpur Harni, District Gurdaspur, Punjab. The above accused have conspired with each other and cheated the complainant's money in the name of sending him abroad and prepared fake visa and threatened to kill him. In his complaint, he alleged that he got acquainted with the accused in July 2023 through his neighbor Kali Ram son of Jeetu Ram. Kali Ram, who works in life insurance, went to the accused to get a policy. The accused used to send children abroad, who used to talk and deal with people from their rented house itself. Accused Gurjinder Pal Singh @ Jaswinder Singh's office was in Chandigarh, which accused No. 1 and 2 later used to take people to Chandigarh for talks. The complainant wanted to send his son Rohit to Australia, for which the complainant went to accused Sulkhan Masih @ Ajay & Neeraj Saini through the Kali Ram and accused Sulkhan Masih @ Ajay & Neeraj Saini asked for Rs. 17 lakh to send the complainant's son Rohit to Australia on the basis of work permit, regarding which the complainant and accused Sulkhan Masih @ Ajay & Neeraj Saini were agreed. Accused Sulkhan Masih @ Ajay & Neeraj Saini asked for documents and photos of the complainant's son Rohit. On 06-08-2023, the complainant along with his brother- in-law Jasbir Singh son Sh. Ramsaroop resident of village Hasanpur, district Karnal and Kali Ram took all the documents and photos of his son and went to accused Sulkhan Masih @ Ajay & Neeraj Saini and talked to them and both accused wrote on the page the total amount of Rs. 17 lakhs, out of which Rs. 10 lakhs will be given on visa arrival in their handwriting and Rs. 7 lakhs will be given later on which accused Neeraj Saini signed and wrote the date. After this, the complainant applied to the bank for a loan on his house. On 19-08-2023, accused Sulkhan Masih @ Ajay & Neeraj Saini took the complainant and his son to Chandigarh for medical, where the complainant son's medical was done and Accused Sulkhan Masih @ Ajay & Neeraj Saini took Rs. 16,000/- from the complainant. Next day on 20-08-2023, accused Sulkhan Masih @ Ajay & Neeraj Saini said that his son's visa has come and he has to be deposited Rs. 10 lakhs and accused Sulkhan Masih @ Ajay & Neeraj Saini sent the visa on WhatsApp of the complainant's mobile phone number 9416956932. He sent a copy of the same and called the complainant to his house. On 28-08-2023, the complainant went to the*

house of accused Sulkhan Masih @ Ajay & Neeraj Saini along with his brother- in- law and Kali Ram and gave Rs. 1,50,000/- to accused Sulkhan Masih @ Ajay & Neeraj Saini in front of the above mentioned persons. The complianant's brother- in-law took a photo of accused Sulkhan Masih @ Ajay & Neeraj Saini with his phone while taking the money (the photo is attached). After this, the complainant asked his brother-in-law for a loan because the complainant had not yet taken a loan and the complainant's brother-in-law Rohtash sent money from his bank account to the complainant's bank account. The complainant transferred Rs. 3,50,000/- to the account of accused Neeraj Saini on 01-09-2023 and Rs. 6,00,000/- on 06-09-2023 at the behest of accused Sulkhan Masih @ Ajay & Neeraj Saini. In this way, the complainant had given Rs. 11 lakh to the accused by 06-09-2023. After this, accused Sulkhan Masih @ Ajay & Neeraj Saini the complainant's son Rohit and the complainant to Jalandhar, ***where they met accused Gurjinder Pal Singh there and they also talked to him and accused Gurjinder Pal Singh also said that the money has come to the account of accused Neeraj Saini and said that he had received the money because accused Gurjinder Pal Singh was the head of all these, the complainant has the recording of all this in the phone.*** *The complainant asked the accused to book an air ticket for his son but the accused kept on making excuses and after some time the accused booked an air ticket for the complainant's son to Thailand, which was of dated 14-12-2023 and said that they will send him to Australia via Thailand. The accused had exchanged dollars worth Rs. 3,50,000/- from Karnal itself. After this, on 14-12-2023, accused took 1 lakh dollars from the complainant's son and left 2 lakh 50 thousand dollars with the complainant's son. On the same day, the complainant's son left for Thailand from Delhi in the evening. The accused also sent 4 other boys with him and the complainant's son reached Thailand at night. The next day, the accused sent a person Praveen to the complainant's son Rohit and took 2 lakh 50 thousand dollars and the accused made the complainant's son stay in the same person's room. Accused kept the complainant's son and other boys hungry and thirsty for 4 months and once even fsent them to Vietnam. The complainant himself used to send the expenses of his son through his phone. The complainant repeatedly asked the accused to send his son to Australia further but the accused kept procrastinating and after some time the accused refused to send the complainant's son Rohit further to Australia and then on 19-03-2024 the complainant himself booked his son's ticket and called him back to India. The complainant asked the accused to send his son to Australia again, but they kept procrastinating. When they did this, the complainant got suspicious on the accused and when he spoke strictly to the accused, the accused said that his son's visa has not been approved yet, the visa they had given was fake and as soon as the visa is approved, they would send his son to Australia, but even after many days the accused did not send his son to Australia. After this the complainant asked the accused for his Rs. 16,50,000/- back, which also included medical* *expenses and other expenses. For some time the accused kept asking for time to pay the money and later the accused refused to give the money to the complainant and said that if he asked for the money, they would kill him. On the said complaint, case FIR No. 32 dated 17.01.2025 under sections 406, 420 & 506 of IPC and section 24 of Immigration Act has been registered at Police Station Gharaunda, Karnal against accused Sulkhan Masih @ Ajay, Neeraj Saini and Gurjinder Pal Singh @ Jaswinder Singh."*

4. Counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR and nothing has been recovered from the conscious possession of the petitioner. He is in custody since 27.02.2025. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Sessions Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State's counsel opposes bail and refers to the reply.

7. It would be appropriate to refer to the following portions of the reply, which read as follows:

"9. That the petitioner and other co-accused persons have cheated an amount of 19,50,000/- from the complainant. Out of which 9,50,000/- were found to be transferred into account No. 50100587219585 of accused Neeraj Saini on different dates by the complainant, who transferred Rs. 2.5 lacs to the account of present petitioner-accused. However, Rs. 5,16,000/- were given by the complainant to accused in cash and remaining Rs. 1,84,000/- were given by complainant for ticket and medical expenses etc.. However, during the course of investigation, no amount has been recovered by the petitioner and other co-accused persons. However, no accounts of accused has been freezed by the Investigating Officer. More so disclosure statement of accused-petitioner is attached here with as Annexure R-1 for the kind perusal of this Hon'ble Court. "

REASONING:

8. As stated in paragraph 4(x) of the bail petition, the petitioner has been in custody since April 28, 2024. Although there is sufficient prima facie evidence linking him to the alleged fraud, in view of his period of pre-trial detention and the amount attributed to him in the status report, further incarceration at this stage is not justified. Nothing has been recovered from the petitioner. There is sufficient primafacie evidence connecting the petitioner with the alleged

crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing.

9. Per paragraph 4(x) of the bail petition, the petitioner has been in custody since 28.04.2024. Per the custody certificate dated 05.09.2025, the petitioner's total custody in this FIR is 06 months and 05 days.

10. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.[1]In deciding bail applications an important factor which should certainly be taken into consideration by the Court is the delay in concluding the trial.—Often this takes several years, and if the accused is denied bail but is ultimately acquitted, who will restore so many years of his life spent in custody? —Is Article 21 of the Constitution, which is the most basic of all the fundamental rights in our Constitution, not violated in such a case? —Of course this is not the only factor, but it is certainly one of the important factors in deciding whether to grant bail.[2] Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.[3] Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.[4] When the undertrial prisoners are detained in jail custody to an indefinite period, Article 21 of the Constitution is violated.[5]

11. Given the above, the penal provisions invoked viz-a-viz pre-trial custody, coupled with the primafacie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

12. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

13. Given the above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above, subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 10,000.

14. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, the surety is capable of producing the accused. However, instead of surety, the

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1 Supreme Court of India in Vaman Narain Ghiya v. state of Rajasthan, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

2Supreme Court of India in State of Kerala v. Raneef, SC 2J [E-SCR]; [2011] 1 SCR 590, Para 4, decided on 03.01.2011.

3 Supreme Court of India in Siddharam Satlingappa Mhetre v. State of Maharashtra, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

4 Supreme Court of India in *Babu Singh & ors v. State of UP*, [E-SCR] P. 777, decided on 31.01.1978.

5 Supreme Court of India in Sanjay Chandra v. CBI , [2011] 13 (ADDL.) S.C.R. 309, Para 26, [E-SCR], decided on 23.11.2011.

petitioner may provide a fixed deposit of INR 10,000/-, with a clause that the interest shall not be accumulated in FD, either drawn from a State-owned bank or any bank listed on the National Stock Exchange and/or Bombay Stock Exchange, in favour of the "Chief Judicial Magistrate" of the concerned Sessions Division; or a fixed deposit made in the name of the petitioner, with similar terms and with endorsement from the banker stating that the FD shall not be encumbered or redeemed without the permission of the concerned trial Court, or until the surety bond has been discharged.

15. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

16. This order is subject to the petitioner's complying with the following terms.

17. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case, or dissuade them from disclosing such facts to the Police or the Court.

18. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

19. <u>This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the Sessions Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.</u>

20. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

21. In Amit Rana v. State of Haryana, CRM-18469-2025 [Decided on 05.08.2025), in CRA-D-123-2020], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that "To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the

immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished.”

22. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

24.09.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.