



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

119

CRM-M-30493-2025
Date of decision: 10.09.2025

JAGJIT SINGH

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Ms. Pratula Sethi, Advocate for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH. J.(Oral)

1. Petitioner-Jagjit Singh, has filed the present petition under Section 528 of the BNSS, seeking directions to the official respondents to take appropriate action on his complaint and to investigate the matter involving offences of cheating, criminal breach of trust, and criminal conspiracy, allegedly committed by private respondents No. 5 to 7 under the pretext of arranging an overseas visa for the petitioner's son.

2. In the instant petition, on 30.07.2025, following order was passed:-

“Petitioner-Jagjit Singh, has filed the present petition under Section 528 of the BNSS, seeking directions to the official respondents to take appropriate action on his complaint and to investigate the matter involving offences of cheating, criminal breach of trust, and criminal conspiracy, allegedly committed by private respondents No. 5 to 7 under the pretext of arranging an overseas visa for the petitioner's son.

ii) Referring to the complaint dated 07.04.2025 (Annexure P-5), learned counsel for the petitioner submits that an amount of 16 lakhs



was ₹ paid to the private respondents for the purpose of arranging a visa for the petitioner's son to travel to Italy. The details of the payment have been clearly mentioned in the representation; however, no action has been taken by the authorities till date.

iii) On advance notice, Mr. Neeraj Madaan, learned Senior Deputy Advocate General, Punjab, appears on behalf of the respondent/State.

iv) Learned State counsel is directed to file status report regarding the investigation, if any, conducted by the police.

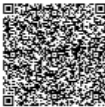
v) List on 10.09.2025."

3. Short reply dated 09.09.2025 by way of an affidavit of Harjinder Singh, PPS, Assistant Commissioner of Police (South), Police Commissionerate Ludhiana has been filed on behalf of respondent-State. The same is taken on record.

4. Learned State counsel refers to para 6 of the said reply, which reads as under:-

"That in the fact-finding report dated 23.05.2025, the Assistant Commissioner of Police, PBI Economic Offences Wing & Cyber Crime, Ludhiana recorded that as per the petitioner, a total sum of ₹16,00,000/- had been paid to the opposite party Prem Singh and his son Lovepreet Singh on the pretext of arranging a visa to Italy for the petitioner's son. Where out of the said amount, ₹10,00,000/- was returned, whereas for part of the remaining balance, a cheque bearing No. 123764 dated 04.04.2025 for ₹1,20,000/- drawn on Punjab National Bank was issued was issued by the respondent no. 5, which was dishonoured upon presentation. Upon consideration of the statements of both sides and the available record, it has been concluded that the dispute pertains to financial liability and recovery of money, for which the petitioner has an efficacious remedy under the provisions of the Negotiable Instruments Act. Accordingly, it was recommended that the complaint be filed in the office, as no cognizable offence was found to be made out during the enquiry.

True translation of the enquiry report dated 23.05.2025 has been annexed herewith as Annexure R-1/T whereas true copy of the same has been annexed



herewith as Annexure R-1.”

5. From the details given in para 6 of the said reply, it is a considered position that, out of the total amount of Rs. 16 lakhs, Rs. 10 lakhs have already been paid back to the petitioner. For the remaining amount, a cheque was issued, however, the same got dishonoured upon its presentation.
6. During the inquiry conducted by the official respondent, it also came to light that after the dishonouring of the cheque, a legal notice was issued through a lawyer/advocate.
7. In view of the aforesaid factual aspects, Section 528 of BNSS cannot be invoked for recovery of the amount. Accordingly, present petition is dismissed, having no basis. However, liberty is granted to the petitioner to avail the remedy available to him in accordance with law.

10.09.2025
amandeep

(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No