



**222 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-36458-2024

Date of Decision: 15.01.2025

BALVIR CHAND

...Petitioner

Vs.

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. D.S. Saini, Advocate
for the petitioner.

Mr. J.S. Rattu, DAG, Punjab.

Mr. Nitin Mittoo, Advocate,
Mr. Pranav Lamba, Advocate and
Mr. Abhinav Mahant, Advocate
for the complainant.

SANDEEP MOUDGIL, J. (Oral)

1. Relief Sought

The present petition has been filed under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for the grant of Anticipatory Bail to the petitioner in case bearing FIR No.19 dated 28.03.2024, under section 420 IPC registered at Police Station Behram, District SBS Nagar (Annexure P-1).

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

1. Prince son Sarwan Kumar am resident of Gohawar Tehsil Phillaur District JalandhaE. That I talked to pay Rs.5,00,000/- (Rupees five laca) to Balvir Chand (Agent) resident of Khothra to go abroad Portugal and firstly I was to send to Dubai first and after six months to Portugal and initially I made agreement to pay Rs 2,50,000/- (Rupees



Two Lakh Fifty Thousand) to Balvir Chand (Agent) and the remaining amount of Rs 2,50,000/- (Rupees two lacs fifty thousand) was to be paid on reaching Portugal, and I paid RS 50,000/- (Fifty Thousand Rupees) through Google Pay on 24.09.2022, Rupees 1,00,000/- (Rupees One Lakh) in cash on 27.09.2022, Rupees 50,000/- (Rupees Fifty Thousand) through Google Pay on 04.10.2022 Rupees 50,000/- (Rupees Fifty Thousand) through Google Pay and this way Balvir Chand (Agent) had collected a amount total Rs.2,50,000/- (Rupees Two Lakh and of Fifty Thousand), and then I left for Dubai from Delhi Airport on 21.10.2022 and my tourist visa was also for three months. After going there, he has been avoiding me for three months and then on my insisting Balvir Chand and Shergill asked me to go to a man named Atul and I went to Atul and Atul left me with another man and I was told that he will do my Portugal work and then I was told that within six months your Portugal work will be done, and after six months we came to know that they were taking loans on bank credit card in our names, and then we told agents Shergill and Balvir Chand that this work is being done here and Shergill did not say anything and the outside man told us that your agents of India did not pay any money and after two days the man from Dubai told us that you are in danger here and they arranged my ticket to India and I came back to India on 16.10.2023. After coming to India, I told to Shergill and Balvir Chand that all this happened to me outside, please return our money and they told me that we have to deduct Rupees 35,000/- towards expenses from your given amount. Now my balance now becomes Rs.2,15,000/- (Rupees Two Lakh Fifteen Thousand). They took time for a week from me and I went again after a week and they again asked me for a month's time and when I went to them, they sought ten day's more time again from me, and when the time came, I went to them then they promised to pay me on 25.12.2023, but on the phone call, I was again avoided that money did not come we will give it to you, and now they have again given time of 15.01.2024 that they will give money. Balvir Chand had told as a guarantor that if anything happens then he would be bound return the money. Sir, I am a labour and daily wagger and earn our bread with hardwork. kindly take legal action against Balvir Chand (Agent) resident of Khothra and Sher Gill Toor and Travers resident of Seenpur and my balance amount of Rs.2.15.000/- may kindly be got returned to me. I shall be highly grateful to you. Sd/- Prince son of Sarwan Kumar resident of Gohawar, Tehsil Phillaur Phone No.99947-



74695, phone number of Balvir Chand-84377-29301, 84270-29301 Shergill Tour and Travel Number 88375-14218. The investigation was marked by the Senior Superintendent of Police, Shaheed Bhagat Singh Nagar to DSP CAW SBSN. From the investigation, written statements of both the parties, perusal of relevant documents it was found that Balvir Chand son of Piara Lal serves Darbar Baba Alla Datta at village Khothra, to whom the general public has a enough to come and go. The applicant Prince's mother Rani also used to go to pay obeisance to Darbar Baba Alla Datta Khothra at village Khothra. In August 2022, the applicant's mother Rani want to Darbar Baba Alla Datta at village Khothra, where Balvir Chand talked to Rani about sending her son prince abroad to Portugal. Rani told all this to her husband and son. Then Prince went with his mother Rani to Balveer Chand's Darbar Baba Alla patta Khothra, where he talked to Balveer Chand about sending him abroad to Portugal. Balvir Chand told him that the total cost of sending him abroad to Portugal was Rs. 05 lakh. There was an agreement between the two to pay two and a half lakh rupees first and two and a half lakh rupees after reaching at Portugal abroad. Balvir Chand also told Prince that he will have to stay abroad in Dubai for 03 months and from there he would be sent a to Portugal on a Schengen visa from Dubai, to which the applicant party agreed. After this, Balvir Chand demanded passport from Prince. Prince gave his passport to Balvir Chand. Balvir Chand further gave the copy of the passport to the agent Sadhu Ram alias Billa son of Bagga Ram resident of Bishanpur Rayan Police Station Kotwali District Kapurthala as Sadhu Ram alias Billa also used to come to worship at Darbar Baba Allah Datta Khothra. In September 2022, on the request of Sadhu Ram alias Billa. Balvir Chand demanded two and a half lakh rupees from Prince. Prince's mother Rani had taken Rupees 03 lakh From Gurjit singh non of Makhan singh resident of beet nansia Tehsil Phillaur District Jalandhar by mortgaging her land, this fact is confirmed from the statement of Gurjit singh presented by Prince. On 24.09.2022 Prince gave Rs 01 lakh to Baba Balvir Chand in cash in the presence of his mother Rani, Rs. 50,000/- on 24.09.2022 itself, Rs.50,000/- on 27.09.2022 and Rs.50,000/- on 04-10-2022 from his State Bank of India Bank Account No. 34001725945 through Google Pay to the Bank of India account number 639110110000403 given by Balvir Chand. Balvir Chand gave this amount of Rs. 2,50,000/- to the agent Sadhu Ram alias Billa. On 15.10.2022, the foreign visa of Prince of Dubai came. On



16.10.2023, Prince went to the office of Sadhu Ram alias Billa at Shergill Tour and Travel, Guru Nanak Nagar, Hamira Road, Kapurthala. Sadhu Ram alias Billa gave Prince his passport, visa copy and ticket copy. This air ticket was from Delhi Airport to Dubai on 21.10.2022. Prince went abroad to Dubai on 21.10.2022. While at Dubai, Prince stayed with a person named Jitendra. When Prince was staying abroad in Dubai for 03 months, the applicant spoke to Badhu Ram alias Billa and Balv chand, but they did not give any satisfactory reply to Prince. It has been almost 01 year since Prince stayed at abroad in Dubai, but neither they sent prince to Portugal abroad nor they called him back to India. on the asking of applicant Prince repeatedly Sadhu Ram alias Billa got his passport returned to Prince at Dubai. the ticket of Dubai to Then after getting India, he came back to India. The receiving Rs.2,50,000/- by Balvir Chand for sending Prince to abroad is confirmed from the statement of Sadhu Ram alias Billa. Sadhu Ram alias Billa son of Bagga Ram resident of Rayyan police station Kotwall, District Kapurthala by defrauding Rs.2,50,000/- have played a fraud in the name of sending Prince to Portugal, and prima facie they have committed IPC. Hence, an offence under section 420 the investigating is liable to be conducted after the registration of a case against Sadhu Ram alias Billa son of Bagga Ram resident of Bishampur Rayyan Police Kotwali, District Kapurthala at Police station Behram, and thereby submitted the enquiry report to the Hon'ble Senior Superintendent of Police, Shaheed Bhagat Singh Nagar with letter No.545/Reader/DSP/CAW and dated 25.03.2024. The Hon'ble Senior superintendent of Police Shaheed Bhagat Singh Nagar while agreeing with the enquiry report wrote SNO Behram to register the case and investigate. upon which the PC Branch's letter Number 1036-PC Senior dated 26.03.2024 is attached. STATION:- TODAY AT POLICE On the receipt of abovesaid application alongwith inquiry report at police station by post after registration of under aforesaid abovementioned section, the original application case alongwith documents inquiry report total pages 01 to 24 with copy of FIR are being handed over to ASI Sandeep Singh 173/SBSN. Special reports are being issued. Control room and senior officers are informed accordingly.

3. Contentions

On behalf of the petitioner



Learned counsel for the petitioner submits that the efforts were being made to settle the matter amicably and finally the petitioner as well as the complainant have succeeded in entering into settlement. Part of that settlement already stands satisfied and the petitioner has transferred Rs.35,000/- in the account of respondent no.2/complainant. He also submits that rest of amount will be paid by 10.02.2025.

On behalf of the State

Learned State Counsel do not object to the prayer for grant of concession of anticipatory bail.

On behalf of the complainant

Learned counsel for the complainant is in consonance with the above said facts and submits that he has no objection in case the present petition is allowed in light of the compromise arrived at between the parties and if the petitioner adheres to and comply with the rest of the part of the agreement.

4. Analysis

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties that the matter has been amicably settled between the parties, 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. Decision



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.

15.01.2025

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(SANDEEP MOUDGIL)
JUDGE

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