IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

226 **CRM M-34053-2025**
Date of Decision:15.07.2025

Amandeep Singh ...Petitioner

Versus

State of Punjab and another ... Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Lupil Gupta, Advocate, for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

Ms. Rahi Mehra, Advocate, for respondent No. 2.

N.S.SHEKHAWAT, J.

1. The petitioner has filed the present petition under Section 482 of BNSS, 2023 with a prayer to grant pre-arrest bail to him in case FIR No.205 dated 07.10.2024 registered under Section 420 of IPC at Police Station City Moga.

2. The FIR in the present case has been registered on the basis of the statement made by Harpal Singh and the same has been reproduced below:-

> *"To, SSP, Moga, District Moga. Subject: Application against 1) Raj Kumar Sharma son of Ramni Kumar Sharma resident of Street No. 3 Mathrapuri, Moga, 2) Garg Forex Dollar Exchange resident of Main Bazaar Railway Gate, Moga regarding cheating of about Rs. 33*

lakhs. Sir, it is requested that I, Harpal Singh son of Narinder Singh Caste, resident of village Kad Gill Tehsil and District Tarn Taran and make the following request:- That the above accused have cheated me of about Rs 33 lakhs in the name of sending my son Prabhdayal Singh abroad. Amandeep Singh son of Gurvel Singh resident of village Kanyawali, District Faridkot and Raj Kumar Sharma resident of Moga had a discussion in Moga to send my son abroad. After this, Raj Kumar Sharma took my son Delhi and from Delhi to Calcutta. After going there, he took my son captive along with his associates and told us on the phone that we have put your son in the plane and after 18 hours he will reach Canada. Then after 18 hours, they threatened my son at gunpoint and made him say that I have reached Canada. Then they started demanding money, so we gave 20 lakh rupees to Amandeep Singh in cash and 5 lakh 65 thousand rupees to Raj Kumar's bank account and 2 lakh rupees to Amandeep Singh's bank account (I have the proof regarding this). They also snatched 8 thousand dollars from my son, which was worth around 6 lakh 80 thousand. After about 33 days, my son escaped from their clutches and told us the whole incident. When we contacted Amandeep Singh, he kept evading us and kept saying that he will again send your son to Canada, don't worry. When he did not send my son abroad, we put pressure on him to either return our money or send our son abroad. Later, Amandeep Singh had fled away to Dubai and his father Gurmail Singh gave us an affidavit on the asking of Amandeep Singh that Amandeep Singh on the asking of Raj Kumar had given Rs.20 lacs in cash *to Garg Forex Moga and Rs.2 lakh which were transferred into account of Amandeep Singh were returned by father of Amandeep Singh. It is requested that a strict legal action against Garg Forex Moga and Rajkumar Sharmaand get my money back and take strict action against the culprits in the case of fraud. I will be very grateful to you. Your confidant SD/ Harpal Singh son of Narinder Singh resident of village Kad Gill Tehsil and District Tarn Taran. Mobile:-94642-30275 dated 27-4-2023, 1378-PC-7/23 28-4-2023."*

3. Learned counsel for the petitioner contends that in fact there is a dispute between the petitioner and Raj Kumar Sharma, co-accused, who has already died. The petitioner never worked as a travel agent and was never involved in any other criminal activity. He further contends that the petitioner had only received a sum of Rs. 2 lakhs, which has already been returned by him to the complainant on 07.09.2022, i.e., much prior to the registration of the FIR. Still further, the transactions had taken place in the year 2021, but the FIR was lodged on 07.10.2024 after a considerable delay. Thus, the petitioner has been wrongly involved in a criminal case.

4. On the other hand, learned State counsel has vehemently opposed the submissions on the ground that the petitioners and other co-accused had cheated the son of the complainant to the tune of Rs. 27.65 lakhs. Even, they had promised to send the son of the complainant to Canada, however, his son was taken to Delhi and from Delhi, he was taken to Calcutta. In Calcutta, they had abducted the

son of the complainant with the help of their accomplices and they wrongly informed the complainant that they had sent his son to Canada and he would reach soon. Even, when his son was illegally confined, they extorted more money from the complainant.

5. I have heard learned counsel for the parties and perused the record.

6. In fact, in the present case, before registration of the FIR, an inquiry was held and it was found that the petitioner alongwith other accused had cheated the complainant to the tune of Rs.27.65 lakhs. Thus, there was sufficient evidence to prove the direct involvement of the petitioner in the crime. Moreover, the custodial interrogation of the petitioner is required to unravel the *modus operandi* adopted by the accused, to know the names of the accused, who helped the accused in abducting the son of the complainant in Calcutta and to recover the documents, which were taken by the accused from the complainant and his son. Even, it is apparent that it is not a simple case of cheating of an innocent person on the pretext of sending the son of the complainant abroad. Rather, in the present case, the son of the complainant was taken to Calcutta, where he was abducted and illegally confined. Thereafter, by showing the fear, the complainant was forced to make more payments and the petitioner was also involved in the extortion racket. Thus, keeping in view the

gravity of the offence as well as need for custodial interrogation, the present petition deserves to be dismissed.

7. Dismissed.

15.07.2025 **(N.S.SHEKHAWAT)**
amit rana **JUDGE**

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