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229 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33833-2025
Date of Decision: 03.09.2025

Omkar Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kuldip Singh, Advocate
for the petitioner.

Ms. Pooja Nayar Sharma, D.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
9	15.06.2023	Punjab State Crime Police Station SAS Nagar	406, 420, 120-B IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. Per paragraph 27 of the bail petition, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the translated version of FIR, which reads as follows:

“One letter was received from the office of Director Bureau of Investigation, Punjab, Chandigarh vide No. 1526/C.C.-1 dated 15.06.2023 alongwith report at Police Station. The said letter was addressed to Assistant Inspector General of Police, State Crime, SAS Nagar. The same is bearing No. 341/Diary/R/AIG/ST/CR dated 15.06.2023 of the Assistant Inspector General of Police and it is written that "SHO PS State Crime to register the case and investigate as per laws and facts". Thereafter, the same was given diary no. 116/diary PS State Crime dated 15.06.2023 of the Police Station State Crime. The contents of above letter are as under "from Director of Bureau of Investigation, Punjab, Chandigarh to Assistant Inspector General of Police, State Crime, SAS Nagar. No. 1525/C.C.1 dated 15.06.2023. application from Ramandeep Singh Dhami son of Gurmit Singh Dhami resident of Village Bains Khurd, Police Station Bulewal,

District Hoshiarpur (Mobile 78140 45762). Reminder Letter: regarding the above subject. 2. Regarding the complaint mentioned in the complaint, SHO of Police Station State Crime on the basis of inquiry report has recommended for registration of FIR under Section 406, 420, 120-B IPC on account of commission of total cheating of Rs. 54,84,667/- by Kavardeep Singh Bhatia, Sharanjit Kaur, Ritu Sharma @ Rama Rani, Omkar Singh, Ranjit Singh and Gagandeep Singh with the complainant party Ramandeep Dhami and others. 3. That through this letter while sending the copies of Inquiry Report and concerned record in connection with the complaint, it is being written that after registration of an FIR under Section 406, 420, 120-B IPC against above persons namely Kavardeep Singh Bhatia, Sharanjit Kaur, Ritu Sharma @ Rama Rani, Omkar Singh, Ranjit Singh and Gagandeep Singh as per inquiry report at Police Station State Crime, Phase IV, SAS Nagar, the investigation be carried out. 4. That the above letter was issued after the approval by the Director Bureau of Investigation, Punjab, Chandigarh. Enclosure as above Sd/- Meena Superintendent/Complaint Cell for Director Bureau of Investigation, Punjab, Chandigarh". Alongwith the above letter, the complaint submitted by Ramandeep Singh Dhami son of Gurmit Singh Dhami resident of Village Bains Khurd, Police Station Bulewal, District Hoshiarpur and Others is annexed, the contents of same are as under "To The Senior Superintendent of Police, Hoshiarpur, sub: Complaint against 1. Kavardeep Singh Bhatia son of Beant Singh resident of House No. 140, Gulmohal City Extension, Near Baglamukhi Mandir, old Hoshiarpur Road, Jalandhar (Mobile No. 94655591573) 2. Sharanjit Kaur, wife of Kavardeep Singh Bhatia son of Beant Singh, resident of House No. 140, Gulmohal City Extension, Near Baglamukhi Mandir, old Hoshiarpur Road Jalandhar. 3. Ranjit Singh son of Gurmukh Singh, resident of House No. 23, Shiv Vihar Jalandhar (Mobile No. 98145-727176) 4. Gagandeep Singh son of Gurwinder Singh, House No. 52, Hardeep Nagar, Jalandhar (Mobile No. 946555-91573). 5. Ritu Sharma @Rama Rani daughter of Roshan Lal, House No. 23, New Jwala Nagar, Jalandhar (Mobile No. 97812-04777). 6. Sheela resident of Ekta Nagar, Rama Mandi, Jalandhar (Mobile NO. 98038-20001), 7. Omkar Singh resident of Ekta Nagar, Rama Mandi, Jalandhar 6 (Mobile No. 90419-72470 whatsapp no.) for playing fraud, cheating and duping the applicants/complainants. Respected Sir, The complainant respectfully submits as under: 1. That accused Kavardeep Singh Bhatai introduced himself to the applicant as Proprietor of Whizz Power OLS Whizz Pvt. Ltd., Jalandhar and stated that the Company Whizz Power is dealing in the product sealing and also runs a kitty, which includes various schemes which also includes gold and products etc. Accused Ranjit Singh son of Gurmukh Singh, Gagandeep Singh son of Gurwinder Singh are the directors of the Company. Kavardeep alongwith his wife were earlier running their business in the name and style Team Turning Point Group, 8-A, New Rajinder Nagar, 1st Floor, Near Big Bazar, Jalandhar and they allured the applicant to join their team and work as an agent of the Company and also allured them to make a team of members. Accused Sheela is Managing Board Member of the said Company and accused

Omkar Singh is son of Sheela. 2. That applicant joined the company as an agent and signed agreement form and started investing money in the company and also formed a team of various people and also started investing in the company. Applicants were earlier allured that the company is running a scheme in which applicant and other team members were to give eleven equal installments and twelfth installment will be paid by the company and after completion of one year, the members will be given gold worth investment or cash amount equal to 12 month installments whichever the member choses to take so. The applicants worked in the company from October 2018 as an agent of the Company. The applicants developed a team of many members who invested in the company. Earlier the company refunded maturity amount to some members but on the completion of one-year scheme. 3. That Kavardeep Singh and his wife Sharanjit Kaur earlier allured applicant and other members that they are running the company and their father inaugurated the company and they have complete control over the day to day working and functioning of the company and they also allured the people to join the company and put their hard earned money by making false promises that their investments will yield good profits. They also allured the applicant to deposit more and more money to travel abroad. 4. That the applicants came under the sweet talks/inducement of accused Kavardeep Singh and Sharanjit Kaur and they started depositing amount in the account of Kavardeep Singh and one Ritu Sharma alias Rama Rani as Kavardeep Singh told the applicant that she is also a major distributor of the company. The regular payments were made by the applicants and their team members in the Account No. 0206006900024458 in Punjab National Bank belonging to Kavardeep Singh Bhatia and Account No. 1344000101308526 in Punjab National Bank belonging to Rama Rani daughter of Roshan Lal in Account No. 919020025776387 in Axis Bank belonging to Turning Point firm of Kavardeep Singh Bhatia. 5. That the accused Kavardeep Singh, Sharanjit Kaur, Ranjit Singh, Gagandeep Singh, Sheela and Onkar Singh also allured people to deposit amount to travel abroad. The accused took an amount of Rs. 5.50 lakhs (Rupees five lakhs fifty thousand) from the applicants vide cheque no.....dated on the pretext that they will send the applicants to USA on travel visa as they are working for company and bring new team members and the amount of Rs. 3 lakhs (Rupees three lakh only) was taken by saying that rest of the amount spent on their traveling and stay will be paid by the company and the applicants were to pay only Rs. 5.50 lakhs to visit USA on tourist visa. The cheque was present in the account of Onkar Singh son of Sheela which was encashed but thereafter the accused started putting off the matter on one pretext or the other. 6. That in the month of June, 2020, when the amount of some team members got due, applicants requested the accused to pay the maturity amount to the team members got due, applicants requested the accused to pay the maturity amount to the members but the accused started dilly-dallying the matter. Accused, Kavardeep Singh and his wife Sharanjit Kaur asked the applicants to pay the maturity amount to their team members and they said that they would pay the amount to the

applicants in the month of July 2020. The applicants did not suspect anything and the applicants paid a sum of Rs. 7.69 lakhs (Rupees seven lakh sixty-nine thousand) to some of the team members but thereafter accused stopped paying the maturity amount to the members and to the agent. 7. That accused have played a big fraud with the applicants and with the people. Accused stopped working and left their office when a few of the investors visited their office on 3rd floor, PPR Market, Jalandhar, then they found that the owners of the company had already left and even the staff present there, did not know the whereabouts of the owners of the company. Accused persons duped the applicants and other team members of their hard earned money. Applicants had also paid Rs. 1.44 lakh (Rupees one lakh forty-four thousand) to the accused persons to purchase new products of the company but the accused did not supply any product and did not even return the money and as such misappropriated the same. Applicants have now come to know that FIR against Ranjit Singh, Gagandeep Singh and Gurminder Singh has been registered at Police Station No.7, Jalanchar vide FIR No. 199 dated 17.07.2020 under Section 406, 420 & 120 B IPC.. The applicants and their team members have also been deputed and their hard earned money. All the accused who were responsible for the day to day working of the company, allured the applicants and other team members for investing the money in their company, which was infact a fraud company opened with the intentions to depute the people and to play fraud with the people. Accused Kavardeep Singh has now started a new firm in the name and style of Mind Movers, at 49 New Jawahar Nagar, Jalandhar with the intentions to dupe more and more money. Applicants when approached the accused persons and requested them to refund the money taken from the applicants and other investors, the accused have started threatening the applicants. Applicants are victim of fraud and cheating at the hands of accused persons. It is, therefore, prayed that an FIR under Sections 406, 420 & 120 B IPC may kindly be registered against all the accused persons and they may kindly be punished in accordance with law. Sd/- Ramandeep Singh Dhami.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that 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 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 has referred to affidavit.

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7. Counsel for the petitioner submits that no specific role is attributed to the petitioner and he has been roped in because he is the son of the distributor who has played fraud upon the complainant and already released on bail.

8. Per para no.11 of affidavit filed by State, allegations against the petitioner are of collusion with his mother and committing of fraud of Rs.5,50,000/-. The main accused has already been granted bail, as such no ground is made out to deny bail to the petitioner as petitioner was only a member/partner in the company. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

9. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. 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.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. 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)	

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

13. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the

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investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

14. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

15. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

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

17. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

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

(ANOOP CHITKARA)
JUDGE

03.09.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.