

2025:PHHC:091238



CRM-M No.34321 of 2025 (O& M)

-1-

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

232

**CRM-M No.34321 of 2025 (O &M)
Date of decision : 23.7.2025**

Gurpreet Jolly

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Saurav Bhatia, Advocate, for the petitioner

Mr. Jasjeet Singh, DAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.78 dated 20.4.2025, under Sections 420 of the IPC and Section 13 of Punjab Travels Professionals Regulation Act, 2012, registered at Police Station City Nawanshahr, District SBS Nagar.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Application No. 152-peshi dated 15.02.2025 of the office of Senior Superintendent of Police, PC Branch, Shaheed Bhagat Singh Nagar. To Senior Superintendent of Police, Shaheed Bhagat Singh Nagar. Sub: Application against Gurpreet Jolly (Mob. No. 98764-87005) son of Avtar Singh (Mob. NO. 99145-71234) residents of Sh. Chand Colony, Gahshankar Road, Nawanshahr, District Shaheed Bhagat Singh Nagar,



Sunil Kumar (Mob. No. 76967-02966) son of Mahinder Ram resident of village Kala Tehsil Phillaur District Jalandhar, Surinder Kaur @ Chhindo (Mob. No. 82641-22477) wife of Tilak Raj resident of Ibrahim Basti, Nawanshahr for committing fraud of an amount of Rs. 15,00,000/- (Fifteen Lakh) as well as for giving life threats. Gurpreet Jolly and Avtar Singh i.e., father and son, both are agent and are running business of sending persons to abroad, have received an amount on the pretext of sending me to abroad, but neither they have sent me to abroad, nor is returning my amount. Legal action may kindly be taken against both of them for committing fraud with me on the pretext of sending me to abroad. Sir, It is therefore respectfully prayed that I Ram Lubhaiya son of Mangat Rai village Kala Tehsil Phillaur District Jalandhar. Gurpreet Jolly and Avtar Singh are father and son in relation. Both are doing work of sending persons to abroad. Sunil Kumar son of Mahinder Ram (Mob. No. 76967-02966) resident of village Kala tehsil Phillaur Distret Jalandhar has introduced me with them through his maternal uncle's wife (Mami) Surinder Kaur @ Chindo in January 2023 in the house of his maternal uncle's wife (Mami) Surinder Kaur @ Chindo and said to me that above said persons are travel agents and are doing work of sending persons to abroad. Above said agents will also provide tourist visa to Germany to you. They do hereby took the responsibility of these agents. Above said Surinder Kaur @ Chhindo called both the above said agents her house at Nawanshahr District Shaheed Bhagat Singh Nagar and Sunil Kumar and above said Surinder Kaur @ Chhindo got my talk hold with above said both the agents, who are in the business of sending persons to abroad. Above said agents will also get him the tourist visa of Germany. They will take their complete responsibility. Thereafter above said Surinder Kaur @ Chhindo has called the above said both the agents at her house at Nawanshahr District Shaheed Bhagat Singh Nagar and Sunil Kumar has got my talk hold with above said agents. Thereafter above said agents sad that they will receive an amount of Rs. 15,00,000/-(Fifteen Lakh) and will get the tourist visa of Germany in lieu thereof. I believed above said Sunil Kumar and his maternal uncle's wife (Mami) (Chindo) and transferred an amount of Rs. 8,50,000/- (Eight Lakh Fifty Thousand) in account of the above said Gurpreet Jolly in installments. Copy of bank statements are annexed herewith. Passport has also been given to above said agents. Remaining amount of Rs.6,50,000/- (Six Lakh Fifty Thousand) was given



in cash to above said agents in the presence of above said Sunil Kumar and Chhindo. Above said Sunil Kumar @ Chhindo has taken the complete responsibility of above said agent as well as of the amount. I have believed all the above said persons and have taken the amount said amount from the persons on interest and has given the same to above said agents through bank and cash in the presence of Sunil Kumar and Chhindo. Agents have given assurance to me that they will send me to German within one month i.e., till February 2023. Whereas one month has been completed, thereafter I have asked Chhindo and Chhindo asked me to hold talk with agents. Thereafter, when I have asked the agent, then the agent have made excuses to me. In this way, above said agents have made excused to me for an approximate period of 20 months. Even, Sunil Kumar and Surinder Kaur @ Chhindo, who have taken the responsibility, have not supported me. Above said persons have harassed me for about 20 months. Atlast when I asked the above said agent that if he could not send me to abroad then my complete amount of Rs. 15,00,000/- (Fifteen Lakh) be returned to me. Above said agents refused to return the amount and started giving threats to me that if I may again demanded the amount, then they will indulge me false cases or either get me killed. I do not know them. Many persons like me have come to them. But the have not returned anyone's amount. They have contacts. I do not know them. Both the agents started laughing loudly and started giving threats. Thereafter I have hold talk with Surinder Kaur @ Chhindo that I have given the amount at your assurance. Then Chhindo started saying that she do not take anyone's responsibility. It your amount, you may handle this. Chhindo has also given threats to me to not come to her house again, otherwise she will indulge me in false case and then I will face the consequences by going jail instead of German. Now even Sunil Kumar is resiling and ask to look after at this matter at me own. In this way, all the above said persons have committed fraud of Rs. 15,00,000/- (fifteen lakh) with me on the pretext of sending abroad and on the contrary threats are also being given to me. Above said accused have got placed my signatures on some affidavits and blank papers. Now I think that the above said accused may misuse these documents and are further giving threats that they can indulge me some false cases by writing anything on these blank signed papers. Earlier I have also filed an application to Senior Superintendent of Police, Jalandhar Rural. But Deputy Superintendent of Police, Head Quarters,



District Jalandhar Rural written that place of Senior monetary dealings is District Shaheed Bhagat Singh Nagar, therefore application may kindly be filed to Superintendent of Police, District Shaheed Bhagat Singh Nagar. Therefore above said accused may kindly be arrested and legal action may kindly be taken against above said accused for committing fraud, giving threats of involving in false case as well as of killing. My life and property be protected and above said amount may kindly be returned to me. If any untoward occurrence will be occurred with me, then the above said accused will be responsible for the same. I am having hope that while protecting my life and property, above said accused will be arrested soon and my amount will be returned to me. I shall be thankful to you. Yours sincerely. Sd/- Ram Lubhaiya son of Mangat Rai village Kala Tehsil Phillaur District Jalandhar. Mob. No. 98787-26446. Office of Senior Superintendent of Police, PC Branch Shaheed Bhagat Singh Nagar has marked the enquiry of Application No. 152-peshi dated 15.02.2025 to Deputy Superintendent of Police, PBI (H&F) Shaheed Bhagat Singh Nagar. He has written in his enquiry report that for the enquiry of the application, summon NO. 174/Reader/DSP/PBI (H&F) dated 19.02.2025, 190/Reader/DSP/PBI (H&F) dated 24.02.2025 have been issued. Applicant alongwith witness came present. Avtar Singh of opposite party came present on dated 28.02.2025. Gurpreet Jolly did not came present. On dated 28.02.2026, Avtar Singh said that he will come present on 05.03.2025 alongwith his son Gurpreet Jolly to present his side, but Avtar Singh did not came present alongwith his son Gurpreet Singh. Thereafter again on dated 12.03.2025, Avtar Singh said that he could present Gurpreet Jolly, then action be taken in accordance with law. Again on dated 12.03.2025, Gurpreet Jolly and his father Avtar Singh did not came present, nor has recorded their statements. From the perusal of statement of the applicant and witnesses, it has been found that in the month of January 2023, Sunil Kumar of the village of applicant Ram Lubhaya had introduced Gurpreet Jolly and Avtar Singh in the house of his maternal uncle's wife (Mami) Surinder Kaur @ Chhindo wife of Tilak Raj resident of Ibrahim Basti Nawanshahr. Applicant has given an amount of Rs. 15,00,000/- to Gurpreet Jolly and Avtar Singh for providing tourist visa of German. Upon demanding the amount by above said, applicant has transferred total amount of Rs. 8,53,420/- from Mob. No. 98787-26446 to Mob. NO. 98764-87005 of Gurpreet Jolly on different dates from his



account No. 640710110009179 of Bank of India, Nawanshahr through google pay on different dates and in the month of January 2023 an amount of Rs. 1,45,000/- was given at the house of Surinder Kaur at Nawanshahr, in February 2023, an amount of Rs. 1,50,000/- was given on the way at village Dosanjh Kalan and in April 2024, an amount of Rs. 2,00,000/- was given at the house of Surinder Kaur at Nawanshahr and in May 2024, an amount of Rs. 1,00,000/- was given on the way at village Dosanjh Kalan. Total amount of Rs. 6,50,000/- has been received by Gurpreet Jolly from the applicant in cash. In this way applicant has given an amount of Rs. 15,03,420/- to Gurpreet Jolly. Applicant has borrowed this amount from his brother, friends and relatives on interest. On dated 18.07.2024 and 06.09.2024, on two occasions, Gurpreet Jolly had sent the applicant to Delhi to go to abroad, but no one came to pick applicant. When applicant told about this to Gurpreet Jolly, then he asked him to come back. Gurpreet Jolly had promised the applicant to send him to abroad till February 2023. But applicant could not be sent to abroad within the given period. When the applicant asked to return his amount, then he clearly refused to return the amount. Gurpreet Jolly has committed fraud of Rs. 15,03,420/- with the applicant on the pretext of sending him to abroad German. The amount which has been transferred by the applicant for sending him to abroad. the said amount has been transferred in the account of Gurpreet Jolly. No role of Avtar Singh has been found. Neither applicant has presented any reliable evidence against Avtar Singh, nor any amount has been transferred in his account. During enquiry, Avtar Singh has been found innocent. Search has been conducted on the website Nawanshahr.nic.in of Deputy Commissioner of Police, Shaheed Bhagat Singh Nagar with regard to travel agent Gurpreet Jolly. From this, it has been found that Gurpreet Jolly is not a registered travel agent. It is recommended to register FIR against Gurpreet Jolly son of Avtar Singh resident of Peeran Wali Gali, Garhshankar Road, Nawanshahr for committing offences under Section 420 of IPC and 13 of the Punjab Travel Professional regulation Act 2014 at Police Station City Nawanshahr and conduct investigation. If approved FIR may kindly be registered against Gurpreet Jolly son of Avtar Singh resident of Peeran Wali Gali, Garhshankar Road, Nawanshahr for committing offences under Section 420 of IPC and 13 of the Punjab Travel Professional regulation Act 2014 at Police Station City Nawanshahr and investigation be conducted. Sd/-



Deputy Superintendent of Police, PBI (H&F) Shaheed Bhagat Singh Nagar. Senior Superintendent of Police, Shaheed Bhagat Singh Nagar written DA-L for opinion. Deputy District Attorney (Legal) Shaheed Bhagat Singh Nagar written in his report that No. 70-PC (L) at 10.04.2025 I have gone through the file and the documents. The applicant namely Ram Lubhaya was cheated for an amount of Rs. 15,03,420/-on the pretext of sending abroad i.e., German on tourist visa. Neither he was sent abroad, nor the amount was returned. Both Avtar Singh and Gurpreet Jolly has not joined the inquiry proceedings. The amount was transferred in to the account of Gurpreet Jolly. Prima facie offence under Section 420 of IPC and 13 of the Punjab Travel Professional regulation Act is made out against Gurpreet Jolly son of Avtar Singh resident of Peeran Wali Gali, Garhshankar Road, Nawanshahr. If firing investigation, evidence comes against Avtar Singh son of Gurdev Singh, then he be placed as accused and approved. Taranvir Kaur DDA (Legal) Shaheed Bhagat Singh Nagar 11.04.2025. Worthy Senior Superintendent of Police, Shaheed Bhagat Singh Nagar. Upon this Senior Superintendent of Police, Shaheed Bhagat Singh Nagar written Station House Officer, City Nawanshahr to register the case & Deputy Superintendent of Police Nawanshahr to investigate. From Police Station: Upon receipt, above said FIR has been got registered under above said offences. Copy of above said writing alongwith enquiry report, concerned documents, copy of FIR is being sent to the office of Deputy Superintendent of Police Nawanshahr for further investigation through senior Constable Mukesh Kumar No. 919/SBS Nagar. Control room and senior officer are being informed through wireless message. Station House Officer of the Police Station has been informed through telephone.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 14.5.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that, in fact, FIR-complainant has borrowed money from the present petitioner and when the present petitioner asked the money to be returned, he has been implicated into the FIR in question



at the behest of the complainant. Learned counsel has further submitted that the investigation is complete and no useful purpose will be served by further incarceration of the petitioner. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 23.7.2025 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 14.5.2025 whereinafter investigation was carried out and challan stands presented on 14.7.2025. Total 16 prosecution witnesses have been cited and charges in the case in hand are yet to be framed. Thus, it is indubitable that the trial will take its own time. Further, the trial emanating from the FIR in question is a Magisterial one. The rival contentions raised at Bar give rise to debatable issues which shall essentially be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1 As per custody certificate dated 23.7.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of



about two months and nine days. As per the said custody certificate, the petitioner is stated to be involved in one more FIR under Section 420 of IPC. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.



- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(SUMEET GOEL)
JUDGE

23.7.2025
Ashwani

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