107

2025:PHHC:098696

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38105-2025
DECIDED ON: 21.07.2025

RANDHIR SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Deepak Negi, Advocate
for the petitioner

Mr. Jastej Singh, Addl. AG. Punjab

SANDEEP MOUDGIL, J (ORAL)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023, praying for Issuance of anticipatory bail to the petitioner in the FIR No. 0056 dated 14.04.2025 Under Section: 406, 420, 467, 468, 471, 120-B IPC 1860 And 24 Immigration Act. Police Station: Jamalpur District: Police Commissioner, Ludhiana (Annexure P-1).

2. Prosecution story setup in the present case as per the version in the FIR as under:-

> *"At this time, it is registered that one complaint No.PGD No.513860System No.515020 dated 24.01.2025 has been received from Surjit Singh s/o Ruda Singh, R/o Gali No.2, Bachittar Colony, Jamalpur,Ludhiana, Mob. No.98724-25433, 98721-41345 against Randhir Singh, R/o House No.61, Village Badheri, Sector 41-D, Chandigarh- 160038/01/23, Mobile*

No.90560-90804, 82647-20804, 2) Sukhdeep Singh, R/o House No.2776, Phase-6, Mohali in connivance with each other, on the basis of fake and false visa, for committing cheating and fraud of Rs. 14 lakh at Police Station, subject of which is that, To, the Hon'ble Shri Bhagwant Mann, Chief Minister of Punjab, Chandigarh. 2. The Worthy DGP, Punjab, Chandigarh. Subject:- Complaint against - 1) Randhir Singh, R/° House No. 61, Village Badheri, Sector 41-D, Chandigarh-160038/01/23, Mobile No.90560-90804, 82647-20804, 2) Sukhdeep Singh, R/o House No. 2776, Phase-6, Mohali by hatching a conspiracy in connivance with each other, on the basis of fake and false visa, for committing cheating and fraud of Rs.14 lakh, regarding already submitted complaint PGD No.357486 dated 29.05.2024 apart from again conducting enquiry by A.H.T. Unit, Police Line Ludhiana's officials, by sending to more senior officer of IPS rank or deeply conducting enquiry of facts of the complaint, after registration of case against above Randhir Singh regarding delivering justice to the complainant. Sir, it is respectfully submitted that I, Surjit Singh so Ruda Singh, am R/o Gali No.2, Bachittar Colony, Jamalpur, Ludhiana and request you as under:- 1. That I am a peace-loving and law-abiding citizen. That in connection with the above subject, I had submitted one complaint against Randhir Singh for arranging fake and wrong visa of Canada to my son Kuldeep Singh and for committing fraud and cheating with me for Rs.14 lakh and for taking action against him appearing before you alongwith one complaint with all documents like fake visas and photo copies of cheques issued by Randhir Singh for Rs.7 lakh. At this time, my complaint is under consideration with the Investigating Officer, Hardev Singh, A.H.T. Unit, Police Line, Ludhiana. Whereas I contacted the above Investigating Officer Hardev Singh and recorded my statements and submitted copies of documents relating to cheating/fraud committed by the above persons and at that time, the Investigating Officer Hardev Singh assured me before the SHO/INSP S. Satvir Singh that he will immediately take action against the accused persons and will register FIR against them. That after this, the Investigating Officer did not take any action against the above persons for preparing fake documents, committing cheating/fraud of money, abusing and threatening rather consigning the complaint to the office record saying that the case of parties is pending in theCourt. It is pertinent to mention over here that the above persons have committed cheating/fraud with me for Rs.14 lakh and in exchange of that I have submitted complaint against them for *taking action against them. In connection with the complaint, the accused No.1 had issued a cheque for Rs.7 lakh under his signatures which also the accused persons did not get passed intentionally and in which connection, complaint u/s 138 NI Act is pending in the court against accused No.1. Whereas both the above accused persons in connivance with each other have issued fake visa and after taking Rs.14 lakh from me, both the accused have committed fraud, the Investigating Officer despite this instead of taking action against the accused persons, without summoning them and without recording their statements and without delivering justice to me, submitted a copy of my present complaint of NI Act case to the counsel of the accused Shri Sutashu Kumar Das, Mobile No.96466-54627 and by giving reference of the same, above accused under corruption in connivance with the 10 told to consign my complaint to the office record. Therefore, it is requested to you that against the above persons in connivance with ach other, on the basis of fake and false visa, regarding committing of fraud of Rs.14 lakh, regarding the earlier submitted complaint PGD No. 357486 dated 29.05.2024, again enquiry may be got conducted instead of A.H.T. Unit, Police Line, Ludhiana's officials, by sending to some senior IPS officer or deep enquiry may be got conducted by going into the facts of the case and after registration of case against above Randhir Singh and justice be delivered to the complainant. Thanking you, Complainant - Surjit Singh s/o Ruda Singh, R/o Gali No. 2, Bachittar Colony, Jamalpur, Ludhiana, Mob. No.98724- 25433, 98721-41345 dated 15.01.2025. Copy to:- 1. The SHO/ INSP S. Satvir Singh, A.S.T. Unit, Police Line, Ludhiana, 2. I.O. Hardev Singh, A.S.T. Unit, Police Line, Ludhiana for necessary information and action. Enquiry of the above complaint got conducted by the worthy ADCP Investigation, Ludhiana, who wrote in his enquiry report that - To, the Worthy Commissioner of Police, Ludhiana. No.273/-5A/A.D.C.P.In. dated 11.04.2025. Subject:- Report regarding complaint PGD No. 513860/515020 dated 24.01.2025/ 22.03.2025 from Surjit Singh so Ruda Singh. 1. Demand of the complainant:- Complaint against Randhir Singh and Sukhdeep Singh in connivance with each other committing fraud of Rs.14 lakh on the basis of fake/false visa and for committing fraud, registration of case and delivering justice to the complainant. 2. Statements submitted by the complainant party:-Statement of Surjit Singh. 3. Documents submitted by the complainant party:- enclosed with the complaint. 4. Statements submitted by the opposite party:- Statement of Randhir Singh, 5. Documents submitted by the opposite party:- Enclosed with the* *complaint. 6. Statements and documents submitted by third party:*

Nil. 7. Details of earlier enquiries:- PGD No.357486 dated 29.05.2024. 8. (A) Enquiry conducted is coming under multiple enquiry or not? No, (B) During this enquiry, compliance of standing order No.3 of 2024 has been done or not? Yes. 9. Enquiry report:-Sir, it is respectfully submitted that the complainant Surjit Singh s/o Ruda Singh, R/o Gali No.2, Bachittar Colony, Jamalpur, Ludhiana, submitted his complaint against Randhir Singh, R/o House No. 61, Village Badheri, Sector 41-D, Chandigarh and Sukhdeep Singh, R/o House No.2776, Phase-6, Mohali in connivance with each other on the basis of fake/false visa committed fraud and cheating of Rs. 14 lakh for registration of case and delivering justice to the complainant. Complainant Surjit Singh so Ruda Singh, R/o Gali No.2, Bachittar Colony, Jamalpur, Ludhiana, for conducting of complaint PGD No.357486 dated 29.05.2024 from some Senior Police Officer under subject has been submitted, regarding which the complainant filed CRM-M-15202-2025 before the Hon'ble Punjab & Haryana High Court, Chandigarh and the Hon'ble Punjab & Haryana High Court, Chandigarh on dated 20.03.2025 (Annexure P-8) have passed order for disposing the complaint within 04 weeks' time. This complaint was pending with A.H.T. Unit Police Commissionerate, Ludhiana which has been handed over to the undersigned for further investigation. During enquiry of the complaint, the complainant Surjit Singh so Ruda Singh, earlier recorded statement dated 30.11.2024 is enclosed with the complaint who recorded his Tartima statement that complainant Surjit Singh s/o Ruda Singh, R/o Gali No.2, Bachittar Colony, Jamalpur, Ludhiana stated that I am resident of above address. Today, I have come present in connection with the enquiry of my complaint PGD No.513860/515020 dated 24.01.2025. In this connection, I want to say that I have already recorded my statement in this regard on dated 30.11.2024 and my said statement may be written, read and understood as my statement. In continuation to this, I am submitting to you document Annexure-A to Annexure-F. As per Annexure-F, the visa given by the accused persons got checked from Canadian Embassy and this visa and tickets were found to be fake. In this way, all these accused persons by making fake visa and fake documents have committed fraud of Rs. 14 lakh with us. After taking necessary legal action against the accused persons, justice be delivered to us. I have recorded my statement to you, heard and found to be correct. During enquiry of the complaint, *third party Gurmit Singh s/ o Mukhtiar Singh R/o VPO Behrampur Bet, Tehsil Sri Chamkaur Sahib, District Rupnagar (Aadhar No.4332 0796 3130) stated that I am resident of above address and am doing Agricultural work. Today, I came present in connection with enquiry of complaint No. 513860/515020 dated 24.01.2025 from Surjit Singh alongwith my brother Jaspal Singh. In this connection, I want to say that Surjit Singh is our brother-in-law (Jija), who for sending his son Kuldeep Singh to Canada abroad talked to us, regarding this we talked to our Jija Chanchal Singh, who is living in England, then our Jija Chanchal Singh through one of his friend got us introduced with Travel Agent Randhir Singh. Travel Agent Randhir Singh told that he is sending people in different countries through visa and Sukhdeep Singh is his partner. Then we took alongwith us Travel Agent Randhir Singh in the year 2021 came to the house of our Jija Surjit Singh at Jamalpur, Ludhiana where Travel Agent Randhir Singh demanded Rs.18 lakh for sending our bhanja Kuldeep Singh abroad and my Jija Surjit Singh agreed with him for Rs.14 lakh. Travel Agent Randhir Singh is being given cash or online money from time to time as per his demand regarding which my Jija Surjit Singh used to tell me. On June 05, 2022, Travel Agent Randhir Singh in my presence received cash amount of Rs.2.50 lakh from my Jija Surjit Singh. Then in the year 2024, my Jija Surjit Singh told that Travel Agent Randhir Singh till now has taken from him Rs. 14 lakh but he did not sent my bhanja Kuldeep Singh abroad and has sent fake visa and tickets. I have recorded my statement to you, heard and found to be correct. During enquiry of the complaint, opposite party Randhir Singh s/o Harnek Singh earlier recorded statement dated 26.03.2025 is also enclosed with the complaint, who recorded his pratima statement that Randhir Singh s/o S. Harnek Singh R/o House No.61, Sector 41-D, Chandigarh stated that I am resident of above address. I have come present in connection with enquiry of complaint PGD No.513860/515020 dated 24.01.2025 from Surjit Singh. In this connection, I want to say that regarding this complaint, I have already recorded my statement on dated 26.03.2025 and the same may be written, read and understood as my statement. I have recorded my statement to you, heard and found to be correct. Opposite party Sukhdeep Singh R/o House No.2776, Phase-06, Mohali despite knowing, joined enquiry of the complaint and did not submit his facts/proof. 10. Enquiry Report:- During preliminary enquiry of the complaint, from the facts/proofs came to light, it has been found that complainant Surjit Singh's son Kuldeep Singh* *wanted to go abroad Canada, regarding which the complainant talked to his relative Jaspal Singh, gurmit Singh for sending his son abroad Canada, who told the complainant regarding Randhir Singh s/o Harnek Singh R/o House No.61, Sector 41-D, Chandigarh Travel Agent. That Randhir Singh in the months of November, December, 2021 came to the house of the complainant. Randhir Singh demanded Rs.14 lakh as expenses for sending abroad Canada to Kuldeep Singh son of the complainant regarding which the complainant gave his consent. Then the complainant for file expenses gave Rs.20,200/- on 13.04.2022 and Rs.20,250/- deposited in account No.7013809651 by NEFT. After that in the above account of Randhir Singh from the bank account of his son Kuldeep Singh No.35736328367 Bank SBI Samrala Chowk, Ludhiana on dated 6th May, 2022 got transferred Rs. 13,500/- by NEFT. After this, on dated 18.05.2022, cash amount of Rs. 1,91,050/- were given to Randhir Singh. After receipt of this amount, he had got done Biometric of complainant's son Kuldeep Singh at Chandigarh. After this on dated 05 June, 2020, Rs.2,50,000/- cash and on dated 10th July, 2022, Rs.2,00,000/-cash from his house were given to Randhir Singh for which no receipt has been given to the complainant. In this way, about Rs. 7,00,000/- Randhir Singh got received from the complainant and balance amount was to be given after receipt of visa. After that on dated 22nd November, 2023, the complaint asked Randhir Singh regarding visa of his son, then he said that visa of your son has been received and pay the balance amount of Rs.7,00,000/-, who sent the video of visa of the complainant's son on 22 Nov., 2023. After that as per Travel Agent Randhir Singh, from bank account No. 512610010008860 in Punjab National Bank, the complainant issued cheque No.306508 dated 29.11.2023 for Rs.3,00,000/ - and cheque No.306510 dated 02.12.2023 for Rs.4,00,000/- with his signatures given in his bank. That these cheques got transferred in the account of Sukhdeep Singh, partner of Randhir Singh above in account No.5126100100088860 with Punjab National Bank. When after giving all the money, the complainant demanded passport and visa of his son Kuldeep Singh, then Randhir Singh started making excuses, after which the complainant got checked the visa given by Randhir Singh on his own level and found the visa to be fake. He asked Randhir to return about Rs. 14,00,000/-, then Randhir Singh gave his bank account No.7013809651 cheque No.000018 dated 15.03.2024 amounting to Rs.7,00,000/- of Kotak Mahindera Bank Branch SCO 2477/78 Sector 22-C, Himalaya Marg, Chandigarh to* *the complainant and assured to return the balance amount of Rs.7,00,000/- at the earliest. After that the complainant deposited the above cheque No.000018 dated 15.03.2024 in his above account, then the opposite party Randhir Singh got the payment of this cheque stopped. That this cheque got returned on dated 28.03.2024. After that Randhir Singh after span of much time also did not returned the money and also gave fake visa. Travel Agents Randhir Singh and Sukhdeep Singh have committed fraud of about Rs.14 lakh with the complainant. In this way, Randhir Singh and Sukhdeep Singh above by hatching a conspiracy, on the pretext of sending abroad Canada, got fake documents prepared and on the basis of wrongful facts and by committing fraud of about Rs.14 lakh with the complainant have committed cheating and fraud. In this connection incident is made out to be of Jamalpur, Ludhiana. Therefore, after registration of case against opposite party Randhir Singh R/o House No.61, Village Badheri, Sector 41-D, Chandigarh and Sukhdeep Singh R/o House No. 2776, Phase-06, Mohali u/s 406, 420, 467, 468, 471, 120-B IPC, 24 Immigration Act at Police Station Jamalpur, Ludhiana, conducting deep enquiry is made out. In case during enquiry, involvement of somebody else comes in light, then on the basis of facts/proofs, action is required to be taken in the case. 11. Recommendation:- If approved, then registration of case against opposite party Randhir Singh R/o House No.61, Village Badheri, Sector 41-D, Chandigarh and Sukhdeep Singh R/o House No. 2776, Phase-06, Mohali u/s 406, 420, 467, 468, 471, 120-B IPC, 24 Immigration Act at Police Station Jamalpur, Ludhiana, necessary order may be given to the SHO, P.S. Jamalpur, Ludhiana. Sd/- Additional Deputy Commissioner of Police, Investigation, Ludhiana, dated 11.04.2025. Above complaint alongwith enquiry report for further action was sent to the worthy Deputy Commissioner of Police Investigation, Ludhiana, who after approving the above complaint alongwith enquiry report for further orders sent to the worthy Commissioner of Police, Ludhiana, on which the worthy Commissioner of Police wrote with his pen, "Approved", Commissioner of Police, Ludhiana 14.04.2025 (878/PC/14/04/2025)."*

3. **Contention**

On behalf of the petitioner

Learned Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is argued that the petitioner has no involvement whatsoever in the alleged transactions forming the basis of the complaint, nor does he have any association with the business of immigration services, as has been claimed by the complainant. It is further submitted that there has been an inordinate and unexplained delay of approximately three years in the registration of the First Information Report (FIR), which raises serious doubts about the veracity and genuineness of the allegations. Counsel has contended that, even if the allegations made in the FIR are taken at face value, the essential ingredients required to constitute offences under Sections 420, 467, and 471 of the Indian Penal Code are not even prima facie made out against the petitioner and the dispute, if any, appears to be purely of a civil nature, arising possibly out of contractual obligations or misunderstandings, which the complainant is now attempting to give a criminal colour to, thereby abusing the process of law. It is further submitted that the custodial interrogation of the petitioner is neither warranted nor necessary, as all relevant documents and facts are already in the possession of the investigating agency, and the petitioner is willing to cooperate fully with the investigation.

On behalf of the State

Learned State counsel prays for dismissal of the present petition on the ground that the petitioner has cheated the complainant to the tune of Rs.14,00,000/- under the pretext of sending his son to Canada, therefore, his custodial interrogation is required.

4. **<u>Analysis</u>**

In the present case, the petitioner is alleged to have fraudulently obtained a sum of ₹14,00,000/- from the complainant under the pretext of arranging immigration and travel documents for his son to Canada. However, the documents, including the ticket and visa, were subsequently found to be forged. Despite repeated requests, the petitioner allegedly failed to return the amount, thereby causing wrongful loss to the complainant and enriching himself unjustly.

Also this Court would opine that in everyday terms, the principle of law dictates that bail is the general rule, while jail is the exception. However, this Court acknowledges that the power to grant or deny bail is extraordinary and must be exercised with caution. It is well-established that when considering a bail application (whether pre-arrest or regular bail), the Court must form a *prima facie* opinion as to whether reasonable grounds exist to support the accusation, or if the accusation is frivolous and baseless possibly made with the intention of harming or humiliating the individual, or falsely implicating them in the crime. This evaluation must be conducted in light of the self-imposed restrictions and the broader legal parameters outlined.

The Hon'ble Supreme Court in the case of ***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022 Live Law (SC) 870*** held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the prima facie case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

> "*It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.*
>
> *Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.*
>
> *We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.*"

More so, investigation is still going on in the present case. It is settled proposition of law that power exercisable under Section 482 BNSS, is somewhat extraordinary in character and it is to be exercised in exceptional cases. The Supreme Court in ***"State vs. Anil Sharma"; (1997) 7 SCC 187,*** held as under:-

> *"We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconded with a favourable order under Section 438 of the code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also material which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods needs not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders."*

5. <u>Decision</u>

In the light of above, this Court is of the view that the matter involves serious economic offence and elements of organized criminal conduct, where custodial interrogation is stated to be necessary for uncovering the modus operandi and identifying the involvement of other potential co-accused.

In view of the totality of circumstances and the nature and seriousness of the allegations, this Court does not find it a fit case to exercise its discretion in favour of the petitioner. Accordingly, the present petition is hereby dismissed.

However, it is made clear that the observations in this order are only for the purposes of deciding this bail application and the trial Court is free to adjudicate upon the matter in accordance with law.

(SANDEEP MOUDGIL)
JUDGE

21.07.2025
Meenu

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