



223

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

CRM-M-40309-2025

Date of decision : 01.08.2025

Harinderjeet Singh @ Harinder**....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Bipan Ghai, Senior Advocate with
Mr. Nikhil Ghai, Advocate
for the petitioner.

Mr. Raj Karan Singh, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present fourth petition has been filed by the petitioner praying for grant of regular bail in case FIR No.0044 dated 14.03.2024, under Sections 420, 120-B of IPC and under Section 24 of Immigration Act (Sections 467, 468, 471 of IPC and Section 25/54/59 of Arms Act added later on), registered at Police Station City-2, Khanna District Khanna.

2. Succinctly the facts of the case are that the present case was registered on the statement of complainant, namely, Yuvraj. It was alleged that he saw an online advertisement regarding immigration Centre GTB market, Khanna. He visited the same along with his father and met the staff at the Immigration Centre. They assured him of sending him to Australia along with a part-time job and providing a 03 year work permit in Australia. He agreed to pay Rs.8,50,000/-. Thereafter, on various dates, he transferred the amount to the Google Pay I.D. of Teja Singh Vyapar.

Thus, in total he paid Rs.2,40,000/- to Coast Way Immigration. Apart from him, Harjit Singh, who had come with him had given Rs.90,000/-.



However, neither the Visa as assured was given nor their money was returned. On enquiry, they found that the real owner of the Coast Way Immigration Centre GTB Market Khanna is Teja Singh S/o Mela Singh. It was alleged that Teja Singh along with his accomplices have cheated them for Rs.18,13,000/- and thus, the request was made to take the legal action against the culprits. On registration of FIR, investigation commenced. During investigation, the complicity of the petitioner was also surfaced being the partner of the Coast Way Immigration. Thus, he was also arrayed as an accused and was arrested on 24.04.2024. He approached the Learned Sub Divisional Judicial Magistrate, Khanna, praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned trial Court vide order dated 20.05.2024. Aggrieved by the same, the petitioner earlier approached this Court thrice by way of filing of CRM-M-32919-2024, CRM-M-3846-2025 and CRM-M-25711-2025, which were dismissed as withdrawn vide orders dated 17.07.2024, 29.01.2025 and 19.05.2025, respectively. Hence, petitioner is before this Court praying for grant of bail by way of filing of present fourth petition.

3. Learned Senior counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He submits that from the bare reading of the allegations, it is apparent that there are no allegations made against the petitioner. However, during investigation he has been implicated on the basis of false and frivolous allegations. He submits that total amount alleged to have been cheated is Rs.18,13,000/-, however, the investigating agencies have exaggerated the same and alleged an exorbitant amount to have been cheated on the premises that various other victims have been cheated. He submits that the trial is a magisterial trial and even if the allegations are



proved, the maximum sentence upon the petitioner that could be inflicted is of 03 years, out of which, he has already undergone more than 01 year. Learned Senior counsel has also drawn the attention of this Court to the *zimni* orders of the trial Court, wherein to secure the presence of prosecution witnesses,ailable warrants have been issued. To buttress his arguments, he relies upon the dictum of the Hon'ble Supreme Court in '***Criminal Appeal No.3525 of 2024 (Arising out of SLP (Criminal) No.8686 of 2024 titled as 'Abdumajid Abdulsattar Memon Vs. State of Gujarat'***'. He submits that though the petitioner is involved in 02 other cases, however, he is on bail in both the cases. Advancing his arguments, he submits that 09 prosecution witnesses have already been examined who are said to be the victims and all these 09 victims have not supported the case of prosecution against the petitioner. He submits that the prosecution at the time of filing challan has made 159 prosecution witnesses, out of which only 09 witnesses have been examined till date. He thus, submits that in the overall facts and circumstances and in view of the law settled, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner and submits that the petitioner is a mastermind at whose behest 149 persons have been victimized. He submits that petitioner is facing prosecution in 02 other cases. He also submitted that the cheating committed with all the victims is approximately of Rs.2 crores. However, he fairly submits that in the present FIR, the allegations made by the complainant is regarding Rs.18,13,000/-. He, on instructions, has submitted that out of total 159 prosecution witnesses, only 09 witnesses have been examined so far. He has produced on record the custody certificate of the petitioner.



5. After hearing counsel for the parties and perusing the record, it is deciphered that though the petitioner was not named in the FIR, however, he has been arrayed as an accused during investigation. The allegations made in the FIR are primarily against co-accused Teja Singh. 09 witnesses, who are the alleged victims have been examined by the prosecution and all these witnesses have not supported the case of the prosecution qua the petitioner. The custody certificate produced would show that he has suffered an incarceration of 01 year, 03 months and 02 days as on 30.07.2025. As submitted by the learned Senior Counsel, petitioner is involved in other 02 cases, however, he is on bail.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

01.08.2025
ps-I

(RAJESH BHARDWAJ)
JUDGE

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