



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

210-1

CRM-M- 40577-2025 (O&M)

Date of decision: 18.11.2025

Sarfaraz Ahamad

...Petitioner(s)

VERSUS

State of Punjab

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Angrej Singh, Advocate for the petitioner(s).

Ms. Savi Nagpal, AAG Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. The instant petition has been filed for grant of regular bail to the petitioner(s) in case bearing FIR No.62 dated 15.05.2025, registered under Section(s) 316(2), 318(4) of the Bharatiya Nyaya Sanhita, 2023 and Section 24 of the Emigration Act, 1983 at Police Station Phase-11 Nagar, Mohali (Punjab).

2. Briefly summarised, the instant FIR was registered on the basis of a complaint submitted by Dore Naik. The essence of the complaint is that the complainant approached *Migrate Expert Solution*, located at CP-67 Mall, Zone-3, Mohali, with the objective of securing overseas migration for 23 of his acquaintances and relatives. He initially came into contact with Shoaib Sheikh, who introduced him to Sarfahaj Khan, who, in turn, projected himself under the name *Samir*. The accused further introduced the

complainant to his father, Kurban Khan, and collectively they assured the complainant that they would arrange visas for all 23 persons for a consideration of ₹2,00,000/- per individual, in addition to the requisite embassy fees. Relying upon these representations, the complainant collected money from all 23 individuals and paid a total of ₹46,00,000/- in cash to the accused, as they insisted that payment through any other mode would attract GST and other taxes. In addition, the complainant paid a further sum of ₹50,000/- in cash and ₹8,05,995/- through online transfer, thereby making a total payment of ₹54,55,995/- to the accused. After a period of six months, the accused handed over visas for two individuals; however, it was subsequently discovered that the said visas were forged. Upon confronting the accused and demanding refund of the amounts paid, the complainant was issued cheques drawn on HDFC Bank, Kharar Branch. These cheques were later found to be worthless, as the bank accounts of the accused had already been frozen. Thereafter, the accused allegedly threatened the complainant with dire consequences should he pursue the matter any further.

3. Learned counsel for the petitioner submits that the petitioner was arrested on 13.06.2025 and has already undergone more than five months of actual custody. It is further submitted that although the petitioner is also named in FIR No. 10 dated 23.01.2024 registered under Sections 406 and 420 IPC and Section 24 of the Emigration Act, 1983, he is already on bail in the said matter. Counsel contends that the principal transaction was conducted by Shoaib Sheikh, the proprietor of *Migrate Expert Solution*, and that the petitioner has been implicated in the present case merely because

Shoaib Sheikh is his brother and because the complainant was introduced to Shoaib by the petitioner. It is submitted that the petitioner's role does not extend beyond this introduction. It is further argued that the transaction is established only to the extent of ₹8 lakhs, for which cheques were issued; however, the same could not be honoured as the concerned bank account had been frozen. Counsel submits that the present case is triable by a Magistrate, no further recovery is to be effected from the petitioner, and the matter is now listed before the trial Court for framing of charge on 24.11.2025. In these circumstances, it is contended that the trial is likely to take considerable time to conclude.

4. Learned State Counsel, however, submits that the petitioner is the brother of the principal accused, Shoaib Sheikh, and that the payments were made to the account of *Migrate Expert Solution* on the strength of the petitioner's assurances. It is, however, not in dispute that the petitioner has already undergone actual custody of more than five months and that no further recovery is to be effected from him. It is also an admitted position that charge has not yet been framed and that the trial is likely to take considerable time to conclude.

5. Having heard learned counsel for the parties and taking into consideration the circumstances noted above, including the period of actual custody undergone by the petitioner, the stage of the trial, the limited role attributed to him, and the fact that the principal allegations are directed against the main accused, Shoaib Sheikh, who is the petitioner's brother, and further bearing in mind that the conclusion of the trial is likely to take a

considerable period of time, I deem it appropriate to allow the instant petition.

6. Accordingly, the instant petition is allowed and the petitioner is ordered to be admitted to regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate concerned.

7. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

8. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

18.11.2025

Mangal Singh

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