



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

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**CRM-M No.41627 of 2025
Date of decision : 7.8.2025**

Gurprit Singh**Petitioner**
Versus
State of Punjab**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Anil Kumar Sagar, Advocate, for the petitioner

Mr. Baljinder Singh Sra, Addl. AG, 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.196 dated 3.12.2024, under Sections 406, 420, 120-B of the IPC and Section 24 of the Immigration Act, 1983, registered at Police Station Phase-1, District SAS Nagar (Mohali).
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Today one application No.6651/S/SSP dated 10.10.2024 was received from Monu Rana Son of Jasmer resident of House No.2349. Village Rajaund, Pundri Road, Near Fullu Patti, Police Station Rajaund District Kaithal (Haryana) related to SSP, SAS Nagar which was sent by hand ASI Tawinder Singh 803/SAS for registration of FIR the subject matter of which is as follows: "To, The Senior Superintendent of Police, SAS



NAGAR MOHALI. Subject: Complaint against Rudraksh Group Overseas solution through its Authorized Representative/director/partner at SCO No. 15-16 Top Floor Phase-I, Mohali, Phone No. 0172-5063778, 0172-5063767 and 7527905227 and Ms. Payal Councillor of Rudraksh Group Overseas solution and officials of Rudraksh Group Overseas solution namely Inderjeet, Aehmad, Ekta, Deepak Aroara, Rajni and Manraj for cheating and criminal misappropriation of money. With due respect it is submitted that I Monu Rana, S/o Sh. Jasmer, R/o H No. 2349, Pundri Road Near Fullu patti, Rajaund, Post Office Rajaund District Kaithal Haryana. Was under compelling circumstances force to approach your Good self. 1. That the brother applicant is living in Dubai and was planning to move to Canada and during this applicant came in contact with the above named accused company through social media, as the accused company had given an advertisement on social media platform showing a rosy picture regarding easy process of sending the people abroad on work permit. 2. That after seeing the advertisement the applicant was impressed and send his contact number on the social media platform of accused company. thereafter the applicant received a phone call from the office of accused company. The person talking on phone call showed a rosy picture to the applicant and assured the applicant that they will process the file of brother of applicant immediately and the brother of applicant will move abroad with work permit within days. 3. That on the assurance allorment of the accused company the applicant on behalf of his brother namely Sonu Rana visited the office of accused company on 18.09.2023 at SCO No. 15-16 Top Floor Phase-I, Mohali. The applicant was attended by Ms. Payal who shows rosy pictures to the applicant and assured the applicant that their company will assure work visa to the brother of applicant within few days. 4. That Ms. Payal told applicant that the total cost for work permit would be Rs.9,50,000/- and further ask him to deposit initial amount of Rs.5000/- as processing charges through Google Pay on 18.09.2023. A recipet was also issued. Copy of the same is attached herewith. 5. That thereafter on the asking of Ms. Payal the applicant again transferred a sum of Rs.600,000/- in the account of accused company (i.e Rs 200,000/- (Two Lacs) On 13.10.2023 and Rs 400,000/- (Four Lacs) on 01.11.2023). A recipet was also issued. Copy of the same is attached herewith. Thereafter the accused company also executed an agreement with the applicant. Copy of the same is attached herewith. 6. That



thereafter the applicant along with his brother visited office of the accused company and inquired/verify the status of his work permit as assured by the official of the accused company, but the accused company always lingered on the process on one pretext or the other. Every time the applicant is assigned a new officer giving one or the other reason and the official is giving one excuse or the other to the applicant for delay in process of work permit of the applicant. 7. That from the acts and conducts of the officials of the accused company it is crystal clear that the intention of the accused company and its officials was malafide from the very beginning and their intention from the very beginning was to cheat the applicant and to misappropriate the amount of the applicant. 8. That you are, therefore, requested to kindly look into the matter. An FIR may please be registered against the above named persons for cheating, playing fraud and misappropriation of money. PRAYER: It is, therefore, humbly requested to your good self, kindly take strict action against the above said persons cheating, playing fraud and misappropriation of money as per law. Thanking You, SD/ Monu Rana Yours faithfully, Monu Rana, S/o Sh. Jasmer, R/o H No. 2349, Pundri Road Near Fullu patti. Rajund, Post Office/Rajund District Kaithal Haryana. M.8572060082.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 3.12.2024. Learned counsel has further iterated that the petitioner was merely an employee of the company in question which is allegedly committed the fraud/cheating and thus, the petitioner cannot be held vicariously liable. Learned counsel has further argued that the petitioner is a man aged 42 years and is the sole bread earner of his family. 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 7.8.2025 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 3.12.2024 whereinafter investigation was carried out and challan was presented on 31.1.2025. Total 15 prosecution witnesses have been cited and even charges have not been framed till date. It is thus indubitable that culmination of the trial will take long. The rival contention raised at Bar give rise to debatable issues which shall 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 7.8.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of seven months and twenty-five days. As per the said custody certificate, the petitioner is stated to be involved in multiple FIR(s). 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/Illaq 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.

(SUMEET GOEL)
JUDGE

7.8.2025
Ashwani

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