217

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45808-2024 (O&M)
DECIDED ON: 18.02.2025

AMRIK SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. R.S. Sidhu, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG Punjab

Mr. Ankit Kharbanda, Advocate for the complainant.

SANDEEP MOUDGIL, J (ORAL)

CRM-2875-2025

Application is allowed, as prayed for.

Copy of statement of bank account No.50100594629366 of HDFC Bank of Harmandeep Singh as Annexure P-8, is taken on record with just exceptions.

CRM-M-45808-2024

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.188, dated 21.07.2024, under Sections 420, 467, 468, 471, 120-B of IPC, registered at Police Station Jandiala, District Amritsar.

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

> *"Complaint No: 316-PGD DT 11-04-24 To the Honorable SSP Sahib, Amritsar (Rural). Subject: Application against (1) Harman Singh (Mobile No. 90562-38393) son of Amrik Singh, (2) Amrik Singh (Mobile No. 99151-38393) Sarpanch of Village Jalalabad, Khadoor Sahib, (3) Manpreet Singh regarding committing fraud in the name of sending abroad in connivance with each other, creating fake documents, including fake visa and fake e-ticket and playing fraud. Respected Sir, I, Satnam Singh son of Harbhajan Singh resident of Village Gadli, Jandiala Guru, District Amritsar, humbly submit the following: 1. That I work with FCI and am a peace- loving citizen. I was making efforts to send my son, Rajkaran Singh who has passed 12th grade, abroad for a better future. During this time, my nephew Jagroop Singh, resident of Village Rure Assal, District Tarn Taran, who was pursuing a course at the Dairy Department near Amritsar Bypass, informed me that Harman Singh son of Amrik Singh, who was also doing the course with him, had claimed that he and his father are agents and had helped many people go abroad. Upon hearing this, my nephew told them that his uncle's son also wanted to go abroad. Harman assured that he could arrange a work permit visa for Italy for him, and that they had many acquaintances in Italy, so your cousin would face no issues. Harman then suggested that I should bring my uncle and my cousin and meet him and his father so they could prepare his file for going abroad. A meeting was scheduled for 18-12-2023 at Haveli in Jandiala Guru. On the scheduled date, 1, along with my son, went to the Haveli, where Harman arrived with his father, and Manpreet Singh, who seemed to be Harman's cousin, was also present. Harman's father assured me that they would arrange a work permit visa for Italy for my son, and the total cost would be approximately Rs. 7-8 lakh. They also mentioned that their relative named Dharmapreet, living in Italy, would take care of my son and that I could share*

my son's mobile number with him to establish contact. Subsequently, to complete the formalities for the visa, on 12-01-2024, I transferred Rs. 50,000/- to Manpreet Singh's account from my SBI bank account (receipt attached). A few days later, my son and I went to the village of the accused at Jalalabad, Khadoor Sahib, where we handed them a sum of Rs. 1 lakh in cash and also gave them my son's passport for visa stamping. They returned the passport with a visa stamped for 13 months. Respected Sir, it is worth mentioning that they did all this to defraud us for more money. When we inquired about the visa later, we found it was fake (copies of the fake visa and passport attached). During this time, Dharampreet from Italy was also chatting with my son through WhatsApp using mobile number 351934058197 to avoid suspicion (WhatsApp chat copy attached). On 12-02-2024, I handed over a cheque for Rs.5 lakh from Punjab National Bank bearing cheque number 265299 to Harman Singh (proof of Rs. 5 lakh payment is attached), and this amount was debited from my account and added towards him more. Additionally, Harman took another Rs. 50,000 from me, supposedly for currency transfer. Until now, the accused has taken Rs. 7 lakh from me. They also booked a flight ticket for my son for 25-02-2024. However, due to illness, my son couldn't travel that day. Then, they arranged a ticket for 10-03-2024 and collected another cheque of Rs. 2 lakh bearing cheque number 265301 from me, dated 10-05-2024 (cheque copy attached). Sir, on 10-03-2024, my son and I reached Guru Ram Das International Airport, where we were shocked to learn that the ticket was fake. It is worth noting that the tickets for 25-02-2024 and 10-03- 2024 had the same booking reference numbers, with only the date changed, indicating that the ticket was forged (copies of both tickets attached). Afterward, when we tried to contact the accused, they apologized and promised to return the money. However, they kept delaying the repayment. I have the call recordings of their conversations in my phone, which I can *present if required. Recently, their mobile numbers have been switched off. On 18-03-2024, we visited their village, where they admitted their mistake in front of former Sarpanch Harpal Singh and other respectable individuals and asked for a few more days to return the money, but they continue to evade repayment. Respected Sir, I am a poor, hardworking person, and the money I gave them was my hard-earned savings, along with some borrowed from relatives. The accused have defrauded me, causing mental and financial distress to me and my family. Therefore, I request you to take legal action against these fraudsters so they do not deceive others and ensure that my money is returned. Yours sincerely, Satnam Singh, son of Harbhajan Singh, Resident of Village Gadli, Jandiala Guru, District Amritsar. Mobile No: 9779862130. "The above said complaint was marked by Hon'ble SSP Sahib Amritsar Rural to DSP Sahib Jandiala"*

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and neither directly nor indirectly the beneficiary of the said amount, as the amount to the tune of Rs.5 lacs was collected by Harmandeep Singh, who is son of the petitioner and it is on that account, the petitioner has been nominated as an accused in the instant FIR having no incriminating material against him.

On behalf of the State/complainant

On the asking of Court, Mr. Jaspal Singh Guru, AAG Punjab, accepts notice on behalf of respondent/State. He could not controvert the submissions made by learned counsel for the petitioner.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that the petitioner is not the beneficiary of the amount in question and was nominated only on account of father of co-accused, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein he has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Decision**

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

> *'When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
>
> *(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
>
> *(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
>
> *(iii) a condition that the person shall not leave India without the previous permission of the Court;*

> *(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.'*

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

18.02.2025

Meenu

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*