

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52709-2024
Reserved on: 13.01.2025
Pronounced on: 29.01.2025

Sahil Hans ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
186	30.08.2024	Division No.6, Jalandhar	406/420 IPC and 13 of Punjab Travel Professional Act, 2018

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 13 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the translated copy of FIR, which reads as follows:

“In reference to complaint No.17-PTOO dated 14.02.2024, To the Hon'ble Commission of Police, Jalandhar. Sub: Complaint against Travel Agent Sahil, R/o Street No.13, Backside Valmik Mandir, Rama Mandi, Jalandhar mobile No.8528566421 regarding committing cheating and fraud on the pretext of sending abroad, who runs his office Verma Travel, Garha Road, Near Bus Stand, Jalandhar and his brother is handling the work of travel agent in Italy.

Sir, We Bakshish Singh S/o Shiv Singh and Malkeet Singh S/o Bhajan Singh, R/o Balerkhanpur, Distt. Kapurthala and request as under:-

1. About 6 months back, applicant Bakshish Singh had settled a deal regarding sending his grandson Gurkaranjot singh and applicant Malkeet Singh had settled a deal regarding sending his son Jaskaran Singh to Australia in Rs.14-14 Lakhs and he received Rs.4,70,000/- from Bakshish Singh and Rs.3,70,000/- from Malkeet Singh in

his aforesaid office, rest of the amount was to be taken after sending these boys to Australia. On 18.09.2023, he had taken our boys to Thailand and after 1 week on 26.09.2023 got them returned back. We have all evidence in this regard.

2. That earlier he used to give allurements but now he is not giving any justice to us and rather threatening us and is speaking us in harsh manner. Neither he has sent out boys abroad nor returning our money. He has committed cheating with us and has committed fraud. The aforesaid complaint may kindly be marked to CIA staff. It is, therefore, requested that legal action be taken against the aforesaid agent and justice be done to us. We shall be highly obliged."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the status report.

6. It would be appropriate to refer to the following portions of the status report, which read as follows:

"4. That it is submitted that, in order to ensure meticulous compliance with the order of this Hon'ble Court, the findings of the investigation are presented under distinct headings as ordered by the Hon'ble Court:

1. ROLE OF PETITIONER:

a) The petitioner is the main accused and he assured the complainants that he would secure work permits for Australia for Gurkaranjot Singh and Malkeet Singh, in lieu of Rs. 14,00,000/- for each permit. He further assured them that he would first send the individuals to Thailand, from where they would then proceed to Australia on the promised work permits. However, instead of fulfilling this promise, the petitioner sent Gurkaranjot Singh and Malkeet Singh to Thailand only on September 17, 2023, and they were subsequently returned to India on September 26, 2023. The petitioner then explained that additional time was needed to arrange the Australian work permits and assured them he would send them to Australia.

b) Gurkaranjot Singh transferred Rs.4,70,000/- to the petitioner- accused Sahil Hans from his bank account (Account No. 13020001001xxxxx) at Punjab National Bank's Baler Khanpur Branch in Kapurthala on 08.09.2023. Additionally, Malkeet Singh paid Rs.3,70,000/- in cash to the petitioner on 11.09.2023.

c) That when the complainants asked for the refund as the petitioner have failed to send Gurkarnjot Singh and Malkeet Singh to Australia, the petitioner closed his office.

ii) EVIDENCE AGAINST THE PETITIONER

a) Account Statement of Gurkarnjot Singh substantiating the transfer of money from his bank account bearing number 13020001001xxxxx of Punjab National Bank's Baler Khanpur Branch situated at Kapurthala to the petitioner-accused Sahil Hans, the present petitioner and

Malkeet Singh had paid Rs.3,70,000/- in cash to the petitioner-accused Sahil Hans, the present petitioner on 11.09.2023.

b) Statement of Bakshish Singh son of Shiv Singh resident of Baler Khanpur.

c) Statement of Malkeet Singh son of Bhajan Singh resident of Baler Khanpur, Kapurthala.

d) Proof of arrival and departure Singh to and from Thailand. of Gurkarnajot Singh and Malkeet Singh to and from Thailand.”

7. It would be relevant to extract the relevant portions of the petition which reads as follows:-

“4. That alongwith Gurkarnajot Singh and Jaskaran Singh a trip of Thailand was arranged for Harjinder Singh, Harvinder Singh, Gurvinder Singh, Sanjiv and Chahat from 17.09.2023 to 26.09.2023. The petitioner who was engaged in ticket booking was also provided bonus points by the company and the petitioner was also provided air tickets by the company for visiting Thailand. Thus, the petitioner alongwith Gurkarnajot Singh, Jaskaran Singh and others went to Thailand from 17.09.2023 and returned from Thailand on 26.09.2023.

5. That the petitioner had only received the booking amount, expenses relating to boarding and lodging, arranging foreign exchange money for the aforesaid trip.

6. That the allegations regarding taking money from Gurkarnajot Singh and Jaskaran Singh on the pretext of getting work permit visa for Australia are totally false, vague and absurd. A bare perusal of the FIR would show that there is no mention as on which date Gurkarnajot Singh and Jaskaran Singh had applied for the visa and on which date they had handed over their passports to the petitioner for getting the visa stamped regarding work permit to Australia.

7. That neither the petitioner had induced the complainants nor had made any such promise of getting work permit visa for going to Australia. The money which was handed was with regard to air ticketing and expenses relating to boarding and lodging for the Thailand trip.”

8. Petitioner is explicitly named as the person who had received a sum of Rs.4,70,000/- from Bakshish Singh and Rs.3,70,000/- from Malkeet Singh out of the total amount of Rs.14 lacs each, for sending Gurkarnajot Singh and Jaskaran Singh to Australia for work permit. Petitioner's stand as mentioned above is not of denial but, that the amount received was for air tickets, boarding, lodging and arranging foreign exchange for such a trip. As per complainant, on getting to know that they had been cheated, they landed in Thailand on 17.09.2024 and returned to India on 26.09.2024. Thus, their total stay in Thailand was of 10 days. There was no reason for making their grandfathers spend such kind of money for work opportunities in a place associated with tourism. Even the investigation found truth in the allegations levelled by the complainant.

9. The sly way the petitioner conned the complainant points out the dangerous trend of the revival of thuggee by revisiting the history.

10. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for anticipatory bail. The impact of crime would also not justify anticipatory bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

11. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

12. **Petition dismissed.** Interim order, if any stands re-called. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

29.01.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.