

CRM-M-61591-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-61591-2024
Reserved on: 04.02.2025
Pronounced on: 07.02.2025

Sahil Singh Hayer ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ranbir Pathania, Advocate
for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0028	05.10.2024	NRI, District Hoshiarpur	316(2), 318(4) of BNS 2023 of Section 24 of Emigration Act

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 17 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are taken from the translated copy of the FIR attached to the bail petition, which reads as follows:

“Application UID No.2409073 dated 04-09-2024 from Madan Gopal son of Ram Lok resident village Chathial Police Hoshiarpur to Station Garhdiwal District the ADGP/NRI wing Mohali the contents of which are as under, from Madan Gopal sof Ram Lok village Shamsher Chathial Post Office Garhdiwal District Hoshiarpur M.No.9855779041 dated 09 September 2024 To The ADGP, NRI Wing Mohali (Punjab) Sub:- For defrauding of Rs. 600000 (Six lakh) by Sahil Singh Hayer son of Mahinder Singh resident of Jamsher Chathial Sir, it is submitted that Sahil Singh Hayer son of Mahinder Singh took 600000 (Six lakh) from me for sending my son Suraj Kaundal abroad. I gave this amount on 12 December for Rs. 400000/- (Four Lakh) and on 13 December for Rs.200000/- through

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cheque. Neither he sent my son abroad nor did he return the money. Now he gave one cheque to us which has been dishonored by the Bank. When we asked him he said I will transfer my house in your name but his father is not ready to transfer the house. We also went by taking some respectable persons of the village along but he is not ready to listen us. When we gave him money at that time we also got an agreement signed on a stamp paper of Rs.4000 the copy of which is also enclosed. Because of which I was compelled to come to you to get the report registered that he has defrauded us for Rs.600000/- six lakh the said amount may be got returned to us. The phone number of Sahil Singh is 9915478699. I humbly request you that my money be got returned by calling Sahil Singh Hayer resident of Jamsher Chathial so that I may be granted justice legal be taken against him. I shall be very thankful to you.”

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 reply.

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

“That it is submitted that the petitioner had promised to send son of the complainant to Portugal on payment of Rs.08 Lakh. He received 06 Lakh from the complainant through cheque dated 12.12.2023 of Four Lakh from the bank account of Parveen Kumari wife of the complainant and cheque dated 13.12.2023 of Rs.2 Lakh from bank account of Suraj Kondal son of the complainant. The amount was duly transferred to the account no. 30307164527 of the petitioner. But neither the petitioner sent son of the complainant to Portugal nor returned the amount. The petitioner gave a cheque amounting rupee Six Lacks dated 28.02.2024 in the name of Suraj Kondal who is son of the complainant. But the same was dishonoured by the drawee bank. The petitioner is running the business of air ticket and immigration under the name and style of Gupta Enterprises at Garhdiwala and is having no license or permit. It would be pertinent to mention here that at the office, Number of the petition is duly mention and has admitted the same in his statement as well. Copy of aforesaid statement is appended herewith as Annexure R-1.”

REASONING:

7. Perusal of the Annexure R-2, which is statement of petitioner, shows that petitioner had taken the amount of Rs.6 lacs from Madan Gopal on the pretext of sending

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his son to abroad. Although he undertook to return the amount in January 2025 but he did not do so.

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

9. 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.

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

11. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

07.02.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.