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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-189-2025 (O&M)

Date of Decision: 14.01.2025

GURPREET SINGH

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Yagsimant Attri, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

...

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.8 dated 02.04.2024, registered for the offences punishable under Sections 420/120-B of IPC and Section 24 of Immigration Act, at Police Station NRI Moga, District Moga.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“Request for Legal Action Against Accused 1) Gurpreet Singh (Passport No. P2064821, Mob. No. +1 (204) 296- 6926) Resident of Village Road, Opposite Power House Street, Kotkapura, District Faridkot. Currently residing at 10 SHADOW HILLS COVE WINNIPEG MB R2G 3W6 CANADA, and Accused 2) Kuldeep Singh (Mob. No.: 94630-81457), 3) Manpreet Singh (Mob. No.: 85288-28559), son of Late Kuldeep Singh, 4) Jaspreet Singh (Mob. No.: 96461-41165), son of Late Kuldeep Singh, residents of Devi Wala Road, Opposite Power House Street, Kotkapura, District Faridkot. Respected Sir, The applicant humbly submits that The applicant's name is Jagroop Singh, son of Late Atma Singh, resident of Village Bade, Tehsil Nihal Singh Wala, District Moga, and works as a laborer. The applicant's daughter, Gurvinder Kaur, was married to the aforementioned accused 1, Gurpreet Singh, on February 12, 2022, at Gurudwara Sahib, Village Bade, Tehsil Nihal Singh Wala, District Moga, as per Sikh customs and rituals. Friends, relatives, and family members of both parties were present at the wedding. The applicant and his family

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incurred approximately 6 lakh rupees for the wedding and ring ceremony, with copies of the bills attached herewith. The aforementioned accused 1, Gurpreet Singh, is a permanent resident of Canada and is currently residing at the address mentioned above in Canada. At the time of the wedding, the accused demanded a grand celebration, and the applicant complied with their wishes. The accused also demanded a Brezza car worth approximately 15 lakh rupees. However, the applicant expressed his inability to fulfill such an expensive demand. The accused agreed to accept a dowry of 10 lakh rupees to proceed with the marriage. Out of this, the applicant gave 5 lakh rupees in cash at the time of the wedding and another 5 lakh rupees before the wedding. It was agreed that accused 1 would call the applicant's daughter to Canada after the wedding. However, after the wedding, the accused continued to demand additional dowry from the applicant's daughter. When she informed them that her father had already spent a lot on the wedding and was unable to give more money, the accused started harassing her. The accused repeatedly taunted and abused the applicant's daughter, saying that their son is a permanent resident of Canada and the dowry given was not up to their standard. A short while after the wedding, accused 1, along with the other accused, forcibly took away the gold given to the applicant's daughter in the wedding and sold it. They also physically assaulted her. In an attempt to save her marriage, the applicant's daughter did not share these issues with her family initially. The aforementioned accused returned to Canada on June 16, 2022. For a few days, he continued to talk to the applicant's daughter over the phone, but shortly thereafter, he demanded an additional dowry amount of 3 lakh rupees from her. However, the applicant's daughter, expressing her and her father's helplessness, refused to give the accused (Accused No. 1) any further money. Following this, Accused No. 1 blocked the applicant's daughter's mobile number and clearly refused to call her to Canada. Later, when the applicant's daughter discussed this matter with the other accused, Accused No. 2 said that the dowry given at the time of marriage was far less than their status, and that they should give more dowry; only then would their son invite her to Canada. The applicant's daughter explained that they did not have any more money to give. As a result, the accused physically assaulted the applicant's daughter and threw her out of the house. Accused No. 2 further said that their son has permanent residency (PR) in Canada, and there is nothing the applicant's family could do to harm him while he is in Canada. They also clearly stated that they had intentionally deceived the applicant's family and succeeded in doing so. Additionally, they threatened that if the applicant approached the police for action, they would kill the applicant's family. Therefore, a humble request is made to take strict legal action under the appropriate sections against the accused and ensure their punishment. Your kind cooperation in this matter will be greatly appreciated. Dated: 29.08.2022. Applicant: SD/ Jagroop Singh Jagroop Singh, Son of Late Atma Singh, Village Bode, Tehsil Nihal Singh Wala, District Moga. Mob: 96461-02828."

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 11.10.2024. Learned counsel for the petitioner has further argued that the FIR in question was got registered after a lapse of two years of the alleged offence having been committed. Learned counsel for the petitioner has submitted that the petitioner has been falsely

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implicated into the FIR in question. Learned counsel for the petitioner has further submitted that the case in hand pertains to magisterial trial wherein 15 prosecution witnesses have been cited and thus culmination of the trial will take its own time. Hence, regular bail is prayed for.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 11.10.2024 whereinafter investigation was carried out & challan was presented on 10.01.2025. Total 15 prosecution witnesses have been cited and none has been examined till date. Therefore, it is indubitable that culmination of the trial will take its own time. The rival contention of the learned counsel for the parties; regarding the effect/veracity of the FIR having been registered two years after the alleged offence having been taken place & as to whether the petitioner has been falsely implicated into the FIR in question; shall be gone into 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. As per the custody certificate dated 13.01.2025 filed by the learned State counsel, the petitioner has suffered incarceration for about 02 months & is not shown to be involved in any other case. Suffice to say further detention of the petitioner as an

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undertrial is not warranted in the facts and circumstances of the present case.

7. In view of totality of factual matrix of the present case, the instant 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 cellphone 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



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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.
- 11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

14.01.2025
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No