

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

2025:PHHC:179721



(213)

CRM-M-51023-2025

Date of Decision: 20.01.2026

Gurdev Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present:- Ms. Honey Passi, Advocate for the petitioner.

Mr. Ritu Raj Singh, DAG, Punjab.

Mr. A.S. Sekhon, Advocate for the complainant.

VINOD S. BHARDWAJ.J (Oral)

1. The instant second petition is for seeking concession of regular bail under Section 483, BNSS, 2023 in case bearing FIR No.204 dated 27.05.2024 under Sections 406, 420, 120-B, 370 IPC (later on added Section 201 IPC) registered at Police Station City Faridkot, District Faridkot.

2. The FIR in question was registered on the complaint of Avtar Singh, which reads as under:-

“To SSP Sahib Moga, Subject: Complaint against Randheer Singh Mobile No. 98152-47874, Manpreet Singh Mobile No. 62843-26740, +5597855859 S/o Randheer Singh R/o Ghaniya Baghar/ Ghaniya Ke Baghar Tehsil Batala, District Gurdaspur, Desa Singh Mobile No. 91158-38944 S/o Ajit Singh, Jaspal Singh Mobile No. 99151-70069 R/o Baghela Vala, District Ferozepur and 2 unknown persons has cheated me for sending me foreign and for conducting investigation against all above persons. Respected Sir, (1) That myself Avtar Singh S/o Resham Singh and is R/o Kothe Chet Singh Vale, Tehsil and District Bathinda. We are two

brothers and I do agriculture work, my elder brother is Amrik Singh. (2) That Jaspal Singh and my brother Amrik Singh met at Immigration Centre Faridkot and wishes to go to America and Jaspal Singh usually met Randheer Singh and he said that without money we cannot go to America, that's why Randheer Singh, Desa Singh and Jaspal Singh has manipulated me and my family and said that Manpreet Singh S/o Randheer Singh is permanent resident of America and he will send the work permit and total 1 crore would be spent and then above Jaspal Singh also went to America and Randheer Singh has shown us 20-25 documents which shows that he has sent 20-25 persons who are having P.R. of America and we trust him. Then me and my brother asked Randheer Singh and Randheer Singh told that you have to give firstly 80 lakh rupees and you have to gave this payment in India and then Manpreet Singh S/o Randheer Singh has talked to me and my family. Randheer Singh has firstly taken amount of Rs. 3 Lakh on the name of documents of Immigration center and then said that rest of the payment be given as per my directions. Then from the phone of Randheer Singh, me and my brother talked to Manpreet Singh. (3) That on dated 24-11-2023 we have given them first payment of Rs. 10 lakh cash at Near Toll Plaza Moga-Kotkapura Road Baghapurana to Randheer Singh who came at Figo Car and he counted the above payment and kept the same with himself and said that rest of the payment be given so we can send your brother to foreign. (4) That the second payment was given on dated 12-12-2023 to Randheer Singh who called us at Village Tehna District Faridkot and we have given the cash payment of Rs. 15 lakh and Desa Singh also came at the said spot and was present while we are giving the cash payment. (5) That the third payment of Rs. 20 lakh as per the saying of Randheer Singh was given at Village Tehna District Faridkot on dated 13-12-2023 and at that time Randheer Singh and Desa Singh came at the spot at Swift car and two unknown persons also came who has kept the weapon in his car. (6) That the fourth payment of Rs.25 lakh as per the saying of Randheer Singh was given at beneath the Flyover at Mudki-Amritsar Road on dated 17-12-2023 and at that time 2-3 unknown persons has came at car and kept the payment after counting with themselves. (7) That after this fifth payment of Rs. 8 lakh was given to Randheer Singh after few days at Court Complex Moga on

Sunday. (8) That apart from this accused persons has taken Rs. 2 lakh on the name of documents. (9) That the above all accused persons has taken Rs. 84 lakh and this payment was given to them by selling our land and some of them was taken on loan from the relatives. Above accused persons are very clever and above all payment was taken in cash and none of the payment was taken in any of the bank account. (10) That above all accused persons has cheated us. (11) That when we suspected them, we go to the house of Randheer Singh with whole Panchayat and their we talked to Manpreet Singh and he has said that I will call your brother to America very shortly otherwise I will return whole of your payment, then we waited for them around 1 month and they did not return any of the payment nor he has called my brother to America. (12) That then we with Panchayat goes to the house of Desa Singh then Desa Singh said that Jaspal Singh and Manpreet Singh can take you to America via Dunky route and we deny to this and then above Desa Singh said that we have sent 20-25 persons to America via Dunky route and their my son can handle everything. you need not to worry and then we said that you have told us that you will sent us on work permit and when we didn't get any satisfactory answer then we said that you should return whole of our payment and then three unknown persons which can be recognized by me alongwith Desa Singh has shown us the pistol and said that if you asked about your money from anyone we will finish you and your family and then Desa Singh and Randheer Singh and their family members has said that we wanted to cheat you and we have done that and you can do anything and above persons has threatened me and my family to kill. (13) That we have all proof against them and we will present the same during investigation. It is requested through this complaint that the investigation be conducted against above persons mentioned in the subject as per law and justice be given to me) I shall be thankful to you. Complainant Sd/-Avtar Singh.”

3. Learned counsel for the petitioner contends that as per allegations levelled in the FIR, the complainant claims that Randheer Singh, Desa Singh and Jaspal Singh were initially mentioned. A sum of Rs.1 crore was demanded for sending the brother of the complainant to U.S.A. The

deal was settled for a sum of Rs.84 lakhs. It is contended that Randheer Singh initially took a sum of Rs.3 lakhs for documentation at immigration centre. On 24.11.2023 the first payment of Rs.10 lakh in cash was given to Randheer Singh. Thereafter, the second payment of Rs.15 lakhs was given to Randheer Singh and Desa Singh on 12.12.2023. The third payment of Rs.20 lakhs was given to Randheer Singh, who was accompanied by Desa Singh in a Swift car on 13.12.2023. The fourth payment of Rs.25 lakhs was given to Randheer Singh, who was accompanied by 2/3 persons, on 17.12.2023 beneath the Flyover. The fifth payment of Rs.8 lakhs was again given to Randheer Singh when he was accompanied by certain other persons.

4. Referring to the above, learned counsel for the petitioner contends that as per the allegations the payments had been made to Randheer Singh but he was accompanied by 2/3 other persons when such payments were made. If such allegations are taken on the face value, the petitioner, who has been subsequently nominated as an accused in the present case, would only be a witness to the payment having been made to Randheer Singh. He has, thus, in no way and manner received any benefits or allured the complainant to part with any sums of money. She contends that Randheer Singh, to whom payments have been made, has already been granted concession of regular bail vide order dated 11.06.2025 (Annexure P-2). She submits that petitioner is in custody since 25.03.2025 and has already undergone an actual custody of more than 09 months. It is submitted that investigation in the case is complete and trial has yet not commenced. There are 34 prosecution witnesses to be examined. She further submits that petitioner has clean antecedents and he is not involved

in any other case.

5. Learned State counsel accompanied by learned counsel for complainant jointly contend that the statement of Amrik Singh was recorded, wherein he specifically mentioned that the petitioner was present at the time when payments were made and the payments were made jointly to all the accused persons.

6. I have heard learned counsel appearing on behalf of the respective parties.

7. It is apparent from a perusal of the statement of Avtar Singh that Amrik Singh is a brother of Avtar Singh. Avtar Singh did not name the petitioner and his name cropped up in the statement of Amrik Singh recorded under Section 161 Cr.P.C. Even in the said statement, the only attribution which flows against the petitioner is that he was present at the time when cash payments were made. It is, however, not the specific case that the payments had been made to the petitioner herein in the presence of Avtar Singh. It cannot be presumed that the petitioner would have forgotten to mention the names of the persons who accompanied him at the time of payment of money. It is also not disputed that Randheer Singh to whom money is stated to have been paid, as per the initial version in the FIR, has already been granted the concession of regular bail. It is also not in dispute that the trial has not yet commenced as no witness has been examined. It is further not disputed that the petitioner is a man of clean antecedents and is not involved in any other case.

8. In view of the facts noticed herein above I deem it appropriate to allow the instant petition.

9. Accordingly, the instant petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing requisite bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, concerned.

10. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

11. The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

20.01.2026

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No