

CRM-M-39059-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-39059-2025  
Reserved on: 01.09.2025  
Pronounced on: 30.09.2025

Surinder Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. M.S. Chauhan, Advocate (Through VC)  
for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana.

Mr. Sandeep Singh Jattan, Advocate  
for respondent No.2.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
183	08.07.2025	Mullana, District Ambala	24 of Immigration Act and 143(2), 316(2), 318(4), 351(2) of BNS 2023

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 petitioner declares that he has no criminal antecedents.

3. The facts and allegations are taken from para 4 of the reply dated 22-08-2025, which reads as follows:

*"4. That as per the facts of the present case, FIR No. 183 dated 08.07.2025, under Section 143(2), 316(2), 318(4), 351(2) of BNS, 2023 was registered at Police Station Mullana, District Ambala. The contents of FIR are as follows: " Sir, complaint no. 212 U. PESH DT. 23/06/2025 SP Office Ambala is as under:- To Hon'ble Superintendent of Police, Ambala District Ambala. Subject Complaint against Surinder Singh @ Dimple S/o Shri Mam Raj, resident of village Jansui, Tehsil and District Ambala, for extorting about 50 lakh rupees from the applicant by fraud and*

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*manipulation in the name of sending him abroad, about human trafficking, and threatening to kill him on demanding money back, and about not sending my son to America. Hon'ble Sir, It is humbly requested that (1) I, Raghubir Singh S/o Shri Sampooran Singh, am permanent resident of village Sahlepur, police station Mullana post office Dheen, tehsil Barada, district Ambala. (2) That my son Gurvinder Singh son of Shri Raghubir Singh was willing to go to America and in this regard we came to know that the above accused deals in sending people abroad and he has sent many people from his area to America. (3). That in August 2023, when I contacted the above accused about sending my son Gurvinder to America, the above accused told me that my office is in Jansui and you come there and we will sit there and discuss everything and assured me that I will send your son to America by plane. (4). That on 06/08/2023, as per the assurance of the above accused, I along with my son Gurvinder Singh and my nephew Gurpreet Singh son of Baljit Singh went to the office of the above accused in Jansui, and the above accused talked to us about going to America and the above accused assured us that I have sent many boys from my area to America and those boys are still earning 3-4 lakh rupees per month there and similarly I will send your son also to America directly by plane in 3-4 months and your son will not face any problem on the way, and he will reach America directly, although I charge 40 to 45 lakh rupees to send each boy abroad through Donkey way, but I will send your son directly to America by plane, for which it will cost approximately 50 lakh rupees and your son will not face any problem on the way and I will also get your son a job in America. (5). That believing the words of the above accused and as per the assurance given by him, we paid the amount of Rs. 5,00,000/- in cash on the same day at the office of the above accused in Janusai and also gave our son's passport and other documents to the accused, and after taking Rs. 5,00,000/- the above accused told us that I will keep taking money from you as and when I need it and also started telling us that I will take all the money from you in cash and will not take any money through the bank and said that you do not need to worry at all and I will get your son's work done at priority because I find you a very good person. (6). That after this, in October 2023, the above accused told us that the file for your son to go to America has been started and further cash is needed and I have to first apply for your son's visa to go to England because before going to America, I will have to make your son's traveling history. (7). That after that the above accused applied for UK visa for my son and my wife on 17/08/2023 and told us to pay 8,00,000/- more. My son's UK and then Sangon visa got cancelled and then accused*

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*assured me that it does not matter, now I will send your son to Dubai first. (8). That after that, as per the assurance of the above accused, I paid the amount of Rs.8,00,000/- to the above accused under Shahabad bridge on 16/10/2023 and the above accused told that coming to Dosdaka (two way road) is far for me and Shahabad is nearby, so we came to Shahabad and gave the money to the above accused and at that time my son and nephew Gurpreet Singh were also with me. (9). That thereafter, the above accused got my son a Dubai visa and sent him from Mumbai to Dubai on 18/12/2023 and assured us that after getting the Dubai visa, there will be no problem in getting the US visa and that is why I am sending your son to Dubai first so that he can reach the US easily and then the above accused called my son back on 11/01/2024. (10). That in April 2024, the above accused told us that your son's visa is going to come soon and I have to make a payment of Rs 5 lakh in cash and I do not have cash, I have money in my account and I will transfer Rs. 5 lakh to your account, you pay me in cash because cash is needed further. In this way, on 19/04/2024, the above accused deposited Rs 3 lakh and on 15/05/2024 Rs 2 lakh in our account and then the above accused took back the same money in cash from me on 28/05/2024 in Ambala Cantt. (11). After this, the above accused told us that you should make some more payment to us because your son's work is almost done. Thereafter, on 26/07/2024 I gave Rs. 2 lakh to the above accused through RTGS and on 06/08/2024. I paid Rs. 8 lakh to the above accused and the above accused himself came to collect this money under Dosadka bridge. (12). Thereafter the above accused started assuring that your son will reach America in two months and we will take the rest of the money from you when your son reaches America directly by plane then you give us the remaining amount. (13). That thereafter the above accused told us that all the work of your son is done and you come to Delhi airport, then on 07/09/2024 the accused made my son to sit in a plane from Delhi to Mumbai and said that your son will reach America directly from Mumbai and he will not be stopped anywhere on the way nor will he have to stop anywhere on the way and will reach America soon but the exact opposite happened and my son did not reach America. (14). That after that, when I asked the above accused that my son has not reached America yet, then the above accused started telling me that elections are going to be held in America, due to which the government is changing and it will take some more time and you will have to arrange Rs. 20 lakh soon and your son will reach America. (15). That as per the instructions of the above accused, on 16-11-2024 I again paid Rs.16 lakh to the above accused near Barara bus stand and the above accused assured me that*

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*your son will reach America directly. (16). That after two days, he again told that that you give me Rs.. 4 lakh more and I have to pay the money further and then believing the words of the above accused, on 18/11/2024, I transferred Rs.3,64,000/- in the account of the accused and he assured me that your son is going to reach America in 10-15 days. (17). Thereafter on my asking the above accused that you have taken more than Rs. 50 Lakhs from me for sending my son to America but you have not send him to America then the above accused started assuring me that your son will reach America soon. (18). That even after that, my son did not reach America and there is no information about his whereabouts, his mobile is also switched off. It has been 6-7 months since my son left and I came to know that my son has been held hostage by the men of the above accused on the way and neither have my son been sent to America nor am I able to contact my son and my son has been sent through donkey way and he is stuck on the way, whereas the above accused took money from me by cheating and fraud saying that he will send my son directly to America through airplane. (19). That after that we found out that earlier also the above accused has taken money from many people in the name of sending them abroad and till date no information has been found about those people. In this way the above accused misleads, cheats and extorts money from people by fraud. There is no of information about those boys and he makes people hostage on the way. In this way the above accused has been involved in human trafficking and the above accused did the same with my son. (20). That in this way the above accused has extorted about 50 lakh rupees from us by cheating, fraud and by doing human trafficking and till date no information has been found about our son as to where he is and neither has he been sent to America, for which the accused had taken about Rs.50 lakh rupees from me. 21. That when we strictly questioned the above mentioned accused about whereabouts of our son, the above accused threatened to kill me and my son and when I asked for return of my money, the above culprit flatly refused to give it and threatened that neither will I return your money nor will I tell you about your son's whereabouts. (22). That after that I contacted the above accused several times and then in May 2025 when I asked about my son again, the above accused did not tell me anything rather started threatening that you cannot do anything to me and my reach is very high. (23). That after that when I asked for my money back from the above mentioned accused and asked about my son, the above mentioned accused threatened to kill me. (24). Therefore, it is my humble request to you that the applicant had given an application earlier also whose number is. 278-Peshi/12/05/2025*

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*and a panchayat was held in police station Mullana on 23-05-2025 regarding the above subject. In which, with the consent of the applicant and the accused Surinder Singh @ Dimple and other prominent persons, it was decided that the accused Surinder Singh @ Dimple will make Gurvinder Singh talk to his father Shri Raghbir Singh on mobile by 26/05/2025, but when the above accused Surinder Singh @ Dimple did not make him talk, then on 26/05/2025, a panchayat was again held in police station Mullana, wherein the accused Surinder Singh @Dimple took 10-days time to make Gurvinder Singh talk to his father Shri Raghbir Singh. 10 days, time was given but till date Surinder Singh @ Dimple has not made the efforts to talk with his son nor he has told anything about whereabouts of Gurvinder Singh and even after that Mullan Police Station has asked the accused to come to the police station many times but the accused has not come to the police station nor has he talked. Due to which the applicant and his family are in shock and mentally disturbed. Therefore, I humbly request you to get my said amount back from the above accused and my son should be traced and returned. Please take strict legal action against the above accused. Legal action should be taken against the above accused under human trafficking. I shall be highly grateful to you. Sd/-Raghbir Singh, Applicant Raghbir Singh S/o Shri Sampooran Singh, R/o village Salepur, Post Office Dheen, Tehsil Barara, District Ambala Mobile No. 8396050003 dated 21/06/2025." Hence, the present case was registered and the investigation of the case has been carried out."*

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. Counsel further submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

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

**REASONING:**

6. It would be appropriate to refer to para 5 to 8 of the bail petition, which read as follows:

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“5. That in fact this amount was transferred by the petitioner to the complainant on his request to help him but the complainant has concocted a false story that the petitioner told him that he wants to pay Rs. 5,00,000/- in cash to someone and therefore, told him to pay in cash to him. It is pertinent to mention here that had that been true, firstly the petitioner could have withdrawn the same from his account and secondly there was no need for the petitioner to transfer the said amount on 19/04/2024 and 15/05/2024 and then to take back in cash on 28/05/2024. There is no reason the petitioner would transfer Rs. 3 lakhs a month in advance and thereafter Rs. 2 lakh 13 days prior to taking back in cash. In fact this amount was lend to the complainant by the petitioner and thereafter on 28/05/2024, the complainant took Rs. 65,000/- in cash. Out of the said amount an amount of Rs. 2 Lakhs was refunded on 26/07/2024 and remaining amount of Rs. 3,64,000/- was refunded to the petitioner on 08/11/2024. However, the complainant has concocted a totally different story which is totally false and incorrect.

6. That the petitioner is neither any travel agent nor the petitioner deals in sending anyone abroad. Further, the petitioner is not having any office as alleged in Jansui. The truth of the matter is that the petitioner had given the reference of one travel agent (donker) to the complainant and therefore, the petitioner has been robbed in the present FIR by exaggerating the entire story with regard to payment of money as well as sending abroad. In fact the petitioner and complainant were known to each other and the complainant even took the financial help from the petitioner. The complainant had himself talked with the travel agent (donker) and as later on the donker cheated him and the complainant could not find his whereabouts, the entire allegations have been leveled against the petitioner just to extort money. The complainant has even sent a video to the petitioner wherein his son is visible in the video and saying that he has reached USA through donkey route and Mr. Anderson is best donker. The petitioner is having all the message of the complainant thanking the petitioner for giving the reference of travel agent (donker). However when the things did not fall at its place, the petitioner has been implicated in the present case. The video sent to the petitioner by the complainant is placed on record as Annexure P-2.

7. That it is also paramount to mention here that even as per the compromise reduced into writing on 26/05/2025, there is nothing to the

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*effect that the complainant has given Rs. 50,00,000/- to the petitioner and the petitioner will refund that or the petitioner had send his son abroad. In the panchayat also the petitioner had admitted that he had just given the reference of one agent travel (donker) but the petitioner has not taken any money. Hence, in the compromise also it was agreed that the petitioner will arrange a lawyer for release and will make to call through the lawyer and except that entire expenses will be borne by the complainant. There is nothing in the compromise regarding money payment. True translated copy of the compromise dated 26/05/2025 is placed on record as Annexure P-3.*

*8. That the petitioner has not taken any commission from the donker or has not connived with him to cheat to the complainant. Everything with regard to the payment was done in the absence of the petitioner. The complainant has not at all disclosed the truth. The son of the petitioner has now returned back to India and he can disclose the entire truth whether the petitioner has any role in sending him abroad through donkey route or not.”*

7. It would be appropriate to refer to paras 8 & 9 of the reply, which read as follows:

*“8. That on 08.08.2025, the complainant came to the investigating officer and produced his son Gurvinder Singh aged around 38 years. He was joined in the investigation and questioned about the facts of the case and thereafter, Gurvinder Singh was produced before the Court of Ld. Illaqa Magistrate and his statement u/s 183 BNSS was got recorded from the Court of Ld. Illaqa Magistrate. The copy of statement of Gurvinder Singh recorded u/s183 BNSS is annexed as Annexure R-2.*

*9. That as per facts of the case, the accused-petitioner Surinder Kumar has cheated the complainant on the pretext of sending the son of complainant directly to United States and have received Rs. 50 Lakhs from the complainant. Hence, the custodial interrogation of accused-petitioner is required for eliciting the truth and 50 lakh rupees have to be recovered.”*

REASONING:

8. An analysis of the submissions would lead to the outcome that it was not a case of the loan not being returned by the petitioner. The petition does not specify the purpose for which the petitioner obtained such a substantial loan, nor why the complainant had the complaint filed for such a loan. Whenever people gave interest free loan, it is likely due to a deep relationship, business, friendship, neighborhood, or any other form of

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camaraderie. The petitioner does not mention any such fact, and the complainant, as well as the investigation, point out that the money was paid for sending the complainant's son directly to the USA.

9. The allegations pertain to cheating for approving visa for payment of money. Although the complainant also knew that they were paying money to obtain a Visa through illegal means, and undoubtedly later cried foul, it is akin to the kettle calling the pot black. However, a con cannot seek bail because of the victim's stupidity or cunningness and shrewdness. The sly way the petitioner and his accomplices conned, tricked, deceived, swindled, and defrauded the gullible complainant points towards the dangerous trend of the revival of thuggee, and if not sternly dealt with now, it might upsurge, revisiting 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 orders are recalled with immediate effect. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)  
JUDGE

30.09.2025  
anju rani

Whether speaking/reasoned: Yes  
Whether reportable: No.