

CRM-M-60502-2024

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

CRM-M-60502-2024  
Date of Decision: 10.01.2025

Charanjit Singh ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

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

Mr. Jasjit Singh, D.A.G., Punjab.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
143	09.11.2024	Shambhu, Patiala	406, 420 IPC

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 18 of the bail petition, the accused declares that he has no criminal antecedents.

3. The facts and allegations are being taken from the short reply filed by the State, which reads as follows:-

*“3. That the brief facts of the present case/FIR No. 143 (supra) are that a complaint dated 17.10.2024 was moved by Fateh Singh (complainant) before Deputy Superintendent of Police, Circle Rajpura, District Patiala, against Charanjit Singh (present petitioner) and his son Jaspreet Singh, with the allegations that Fateh Singh and Jasvir Singh discussed with Charanjit Singh (petitioner) and his son Jaspreet Singh regarding tourist visa for Europe in August 2023. The petitioner demanded a sum of Rs. 9,00,000/- from them and assured that he would get them visa for Europe. For the said purpose, both Fateh Singh and Jasvir Singh transferred a sum of Rs. 7,00,000/- in the bank account of petitioner on different occasions. Furthermore, they also gave Rs. 1,00,000/- cash to the petitioner at his house. After obtaining money, the petitioner told them that their Europe visa*

*would be issued in few days. During this period, Jaspreet Singh also came from Singapore to the house of complainant and told that he would take them alongwith to Europe. But Jaspreet Singh first took them to Dubai by telling them that their tickets would be arranged from Dubai. When they reached at Dubai Airport, Jaspreet Singh demanded more money from them and also threatened that if they would not give him money, then he would not send them to Europe. The complainant and his accomplice gave Rs. 1,00,000/- to Jaspreet Singh on the spot and thereafter, he ran away from therein. Thereafter, they stayed at Dubai and one day, they met with Jaspreet Singh and talked to him about money and Europe visa, then Jaspreet Singh brought 4-5 unknown persons and gave them beatings. He also gave threats to their life and property and told that if they would give more money, then only they could return to India or go to Europe. Thereafter, the complainant and Jasvir Singh stayed at the house of their friend and with his help, they came back to India in January 2024. Whenever, they talk with Jaspreet Singh and Charanjit Singh (petitioner) with regard to visa or money, they gave them life threats. The petitioner and his son stopped answering the phone calls of the complainants.”*

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:

*“4. That the enquiry of the said complaint was marked to the office of the answering respondent, who after conducting thorough and detailed enquiry, found that Fateh Singh and Jasvir Singh were intending to go abroad and in this regard, Fateh Singh's brother Bhajan Singh talked with his friend Charanjit Singh (petitioner), who told him that his son Jaspreet Singh was doing the business of sending people abroad. It was settled by Charanjit Singh (petitioner) and his son Jaspreet Singh to send Fateh Singh and Jasvir Singh to Europe (Germany) for Rs. 9,00,000/-. Thereafter, Bhajan Singh (complainant's brother) and Jasvir Singh transferred Rs. 7,00,000/- through Google Pay into the account of Jaspreet Singh and Rs. 1,00,000/- cash was given to the petitioner. They got the visa for Dubai issued to the complainants. On 03.10.2023, the complainant Fateh Singh and Jasvir Singh went to Dubai from Chandigarh, wherein they met with Jaspreet Singh at Dubai. Jaspreet Singh took Rs. 1,00,000/- cash from the complainant at Dubai and Jaspreet Singh kept them with him for 2/3 days and told that after preparing their documents, he would send them to*

*Germany and he kept making excuses to them for 03 months. Then in January 2023, the complainant party came back to India. They neither sent the complainant party to Germany nor returning their money. In this way, Charanjit Singh (petitioner) and his son Jaspreet Singh committed offence under Section 406, 420 of IPC and Section 3 of Human Trafficking Act.*

*6. ROLE OF PETITIONER:-That the petitioner in connivance with his son Jaspreet Singh (co-accused) obtained a sum of Rs. 9,00,000/- from the complainants Fateh Singh and Jasvir Singh on the pretext of sending them to Germany (Europe) on tourist visa but they neither sent them to Germany (Eupore) not returning their money. The whole dealing was done by petitioner as his son was at Singapore during that time. The complainants were sent to Dubai instead wherein they resided for 03 months and finally came back to India in January 2024.*

*7. EVIDENCE AGAINST PETITIONER:- That the petitioner was specifically named by complainants in their complaint. Moreover, a sum of Rs. 7,00,000/- was transferred to one Barkat Ali on the asking of petitioner.”*

7. The petitioner is not the main accused and the only substantial allegation is that he was given a sum of Rs. One Lac, which is not corroborated by any reasons that when the remaining money was transferred through the bank transactions then why Rs One lac was given to the petitioner by cash. It is not that the petitioner was out of India, where the money transfer would have been cumbersome. As per the reply, a sum of Rs. Seven Lacs was transferred in the account of Jaspreet Singh.

8. The allegations against the petitioner and the evidence collected against him might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail, and an analysis of the allegations and the evidence collected against the petitioner, would not justify custodial interrogation or pre-trial incarceration.

9. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

10. The investigation indicates that the petitioner is not the main accused, so the petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

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11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. This order is subject to the petitioner's complying with the following terms.

14. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

15. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

16. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven

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days, providing an opportunity to avail the remedies available in law.

17. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

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

19. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

20. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)  
JUDGE

10.01.2025  
Jyoti Sharma

Whether speaking/reasoned: Yes

Whether reportable: No.