

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

2025:PHHC:097150



(228)

CRM-M-29579-2025 (O&M)

Date of decision: 31.07.2025

Mohinder Pal

...Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sangram Singh Saron, Advocate
Ms.Shubreet Kaur, Advocate for the petitioner.

Mr.Karunesh Kaushal, AAG, Punjab.

SUMEET GOEL, J. (ORAL):

1. Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.57 dated 13.03.2025 registered for the offences punishable under Sections 420, 406, 120-B IPC and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014 at Police Station City Sangrur, District Sangrur.
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

"First Information contents (Attach separate sheet, if necessary):

Copy of complaint, "To the Hon'ble S.S.P. Sangrur.

Subject: -Complaint for taking action against: 1. Mahinderpal, 2. Sarabjit Singh son of Mahinderpal Singh, residents of House No.657, Gali No.1, Guru Teg Bahadur Colony, Sangrur who has cheated the complainant by deceiving on the pretext of sending him abroad. Sir, The complaint is as under:-1. That the complainant Jagmeet Singh son of Gurbachan Singh, resident of Preet Nagar, Hareri Road, Sangrur and he is a law abiding and peace loving citizen. 2. That the complainant met the above persons in the year 2022, who do the work of sending people abroad and their office is in the name of B.M. Consultancy, near Ghanta Ghar, adjoining to Ajit Newspaper Office. 3. That the complainant was assured by the above persons that they do the work of sending people abroad and complainant is in young age, so they will get him a Australian work permit. The complainant and his family trusted the above persons and submitted documents they asked for the Australia file and they said that they would get half the money before the visa issued and half after the visa is issued. The total payment was settled the tune of Rs.40,00,000/-. 4) After submitting documents, above persons started telling complainant that they are applying for his visa so complainant should deposit some amount with them. Thus, the complainant has so far given Rs.28,00,000/- to above persons and out of this amount, the complainant had deposited some amount in their bank account and some amount had been given in cash. 5. That even after long time, when neither complainant received any kind of visa nor above persons informed the complainant about the status of his visa file, then complainant and his family felt suspicion on said persons and started visiting their office more than before, then accused told complainant that the Australian government has tightened the visa issuance process, so they will return the money given by complainant soon. 6. It is worthwhile

to mention here that when the complainant and his family reached the office of above persons at the given time, they found that the office was closed. When the complainant inquired from neighbourers, the complainant and his family were shocked that said persons by committing cheating for the huge amount, fled away by closing their office. 7. That the complainant had borrowed the said amount from his relatives and given to said persons. Therefore, it is requested by submitting this complaint to register an FIR against said persons for cheating the complainant and not returning back the amount of Rs.28,00,000/- on the pretext of sending him abroad and justice be delivered to the complainant. Dated: 06.12.2024. Complainant Sd/- Jagmeet Singh son of Gurbachan Singh, resident of Preet Nagar, Hareri Road, Sangrur, Mobile No.90410-92106". On receiving of said complaint, Hon'ble SSP vide his office's letter No.487300/PGD marked it to Deputy Superintendent of Police (Detective) Sangrur for conducting enquiry. Sd/- Sr. Supdt of Police, Sangrur dated 13.12.2024. Regarding which, enquiry got conducted by Deputy Superintendent of Police (Detective) Sangrur through CIA Incharge, Bahadur Singh Wala, Sangrur and after agreeing with the enquiry report, prepared his report, contents of which are as under:-"From the Deputy Superintendent of Police (Detective) Sangrur to the Senior Superintendent of Police, Sangrur. No.1600/5P/DSP (D) dated 08.03.2025. Subject:- Report regarding complaint moved by Jagmeet Singh son of Gurbachan Singh, resident of Preet Nagar, Haheri Road, Sangrur, District Sangrur. Sir, Respectfully submits that on receiving of complaint No.PGDID 487300 from your office, enquiry got conducted from the Incharge, CIA Bahadur Singh Wala, Sangrur. During enquiry. the complainant party, concerned persons and Mahinderpal from the opposite party were joined enquiry and

statements were recorded, which are enclosed herewith for the kind perusal. But the opposite party Sarabjit Singh son of Mahinderpal, resident of House No.657, Gali No.1, Guru Teg Bahadur Colony, Sangrur ran away from the home on 19.12.2024, so he could not be joined enquiry. On perusing the enquiry report and statements, it was found that the complainant Jagmeet Singh has leveled allegation in his complaint against the opposite party that the complainant met said persons in the year 2022, who do work of sending people abroad and their office is near Ghanta Ghar, adjoining to Ajit Newspaper office in the name of B.M. Consultancy. The complainant was assured by said persons that they do the work of sending people abroad, he is still young, so they will get him an Australian work permit. Complainant and his family by trusting said persons, submitted documents whatever asked by them to them for the purpose of submitting Australian file and they said that half of the money will be taken before the visa is issued and half of the money will be taken after the visa is issued. The total payment was settled to the tune of Rs.40,00,000. After giving the documents, said persons started telling the complainant that they are applying for his visa, so he should deposit some amount with them. Thus, the complainant has so far paid Rs.28,00,000 to the above persons, and out of this amount, the complainant deposited some amount in their bank account, whereas some amount was given in cash. Even after long time, when neither complainant got any information nor said persons told complainant about the status of his visa file, then complainant and his family felt suspicion on said persons and they started visiting the office of said persons more than before. Then said persons told complainant that the Australian government has tightened the visa issuance process, so they will return back him the money as soon as possible. It is worthwhile

to mention here that when the complainant and his family reached the office of said persons at the given time, they saw that the office was closed. When the complainant enquired from neighbourers, complainant and his family were shocked that said persons had cheated the complainant and by closing the office, they fled away. The complainant had borrowed the said amount from his relatives. Therefore, it is requested by submitting the complaint that FIR of fraud be registered against above persons for cheating the complainant on the pretext of sending him abroad and not returning back his amount of Rs.28,00,000/-. It has been found from the enquiry report, statements and bank statement that at the end of the year 2021, complainant Jagmeet Singh had become acquainted with the opposite party Sarabjit Singh son of Mahinderpal, resident of House No.657, Gali No.1, Guru Teg Bahadur Colony, Sangrur. Sarabjit Singh told Jagmeet Singh that he has set up an office in the name of B.M. Consultancy, near Ghanta Ghar, adjoining to Ajit Newspaper Office. He does work of sending people abroad and he has already sent many boys and girls abroad and he can send complainant to Australia on work permit. Due to which, Jagmeet Singh came into the words of opposite party Sarabjit Singh and whatever documents Sarabjit Singh asked for from Jagmeet Singh, Jagmeet Singh gave them. After checking the documents of the complainant, Sarabjit Singh told him that it would cost Rs.40,00,000/-, half of which he would take in advance and the other half will take later. Then complainant Jagmeet Singh, on the asking of the opposite party Sarabjit Singh, on 28.07.2022, transferred Rs.25,000/- from his bank A/c No.9041092106 in Kotak Mahindra Bank, Branch Kohla Park, Sangrur to the bank A/c No.6946150878 in Kotak Mahindra Bank, Branch Kohla Park, Sangrur of the said Sarabjit Singh through mobile banking. Then complainant Jagmeet

Singh, on the asking of the opposite party Sarabjit Singh, on 29.07.2022, transferred Rs.75,000/-from his bank A/c No.9041092106 in Kotak Mahindra Bank, Branch Kohla Park, Sangrur to the bank A/c No.6946150878 in Kotak Mahindra Bank, Branch Kohla Park, Sangrur of the said Sarabjit Singh through mobile banking. Then complainant Jagmeet Singh, on the asking of the opposite party Sarabjit Singh, on 07.11.2022, transferred Rs.2,00,000/-from his bank A/c No.9041092106 in Kotak Mahindra Bank, Branch Kohla Park, Sangrur to the bank A/c No.6946150878 in Kotak Mahindra Bank, Branch Kohla Park, Sangrur of the said Sarabjit Singh through mobile banking. Then complainant Jagmeet Singh, on the asking of the opposite party Sarabjit Singh, on 22.11.2022, transferred Rs.3,00,000/-from his bank A/c No.9041092106 in Kotak Mahindra Bank, Branch Kohla Park, Sangrur to the bank A/c No.6946150878 in Kotak Mahindra Bank, Branch Kohla Park, Sangrur of the said Sarabjit Singh through mobile banking. Then complainant Jagmeet Singh, on the asking of the opposite party Sarabjit Singh, on 10.01.2023, transferred Rs.1,00,000/-from his bank A/c No.9041092106 in Kotak Mahindra Bank, Branch Kohla Park, Sangrur to the bank A/c No.6946150878 in Kotak Mahindra Bank, Branch Kohla Park, Sangrur of the said Sarabjit Singh through mobile banking. Then complainant Jagmeet Singh, on the asking of the opposite party Sarabjit Singh, on 05.08.2023, transferred Rs.1,00,000/-from his bank A/c No.2011240228967267 in AU Bank, Branch Gaushala Road, Sangrur to the bank A/c No.50100302625193 in HDFC Bank, Branch Gaushala Road, Sangrur of the said Sarabjit Singh through mobile banking. Then complainant Jagmeet Singh, on the asking of the opposite party Sarabjit Singh, on 23.08.2023, transferred Rs.2,00,000/-from his bank A/c No.2011240228967267 in AU Bank,

Branch Gaushala Road, Sangrur to the bank A/c No.50100302625193 in HDFC Bank, Branch Gaushala Road, Sangrur of the said Sarabjit Singh through mobile banking. Then on the asking of Sarabjit Singh, on 01.02.2024, complainant Jagmeet Singh transferred Rs.3,00,000/- through mobile banking from the bank account of his sister Jagwinder Kaur w/o Kulwinder Singh, r/o H.No.247, Dreamland Colony, Patiala bearing A/c No.30144456818 in State Bank of India, Branch Anaj Mandi, Sangrur to the bank A/c No.No.6946150878 of Sarabjit Singh in Kotak Mahindra Bank, Branch Kohla Park, Sangrur. Then complainant Jagmeet Singh, on the asking of the opposite party Sarabjit Singh, on 10.05.2024, transferred Rs.3,20,000/- from his bank A/c No.2011240228967267 in AU Bank, Branch Gaushala Road, Sangrur to the bank A/c No.50100302625193 in HDFC Bank, Branch Gaushala Road, Sangrur of the said Sarabjit Singh through mobile banking. Then complainant Jagmeet Singh, on the asking of the opposite party Sarabjit Singh, on 13.09.2024, transferred Rs.1,00,000/- from his bank A/c No.2011240228967267 in AU Bank, Branch Gaushala Road, Sangrur to the bank A/c No.50100302625193 in HDFC Bank, Branch Gaushala Road, Sangrur of the said Sarabjit Singh through mobile banking. Thus, complainant Jagmeet Singh transferred Rs.14,20,000/- through his bank account and Rs.3,00,000/- through his sister Jagwinder Kaur's bank account, total amount of Rs. 17,20,000/- to separate bank accounts of Sarabjit Singh. Apart from above, complainant Jagmeet Singh borrowed cash amount of Rs.3,00,000/- from his sister Jagwinder Kaur. This amount of Rs.3,00,000/- was withdrawn by Jagwinder Kaur from her bank A/c No.30144456818, State Bank of India, Branch Grain Market, Sangrur on 15.12.2023 and given to the complainant Jagmeet Singh. This amount of

Rs.3,00,000/- was also given by the complainant Jagmeet Singh to Sarabjit Singh at his office B.M. Consultancy. Then the complainant Jagmeet Singh withdrew Rs.4,95,000/- in cash from his bank A/c No.9041092106 in Kotak Mahindra Bank, Branch Kohla Park, Sangrur on 18.03.2024 and took Rs.1,05,000/- from his house, then he made payment of total amount of Rs.6,00,000/-in cash on 18.03.2024 to Mahinderpal i.e. father of Sarabjit at the office of BM Consultancy as per the instructions of Sarabjit Singh in the presence of his friend Gurpreetpal Singh Dhiman alias Sonu son of Des Raj, resident of Guru Arjan Dev Nagar, Sunam, District Sangrur. Apart from above, complainant Jagmeet Singh alongwith his friend Gurpreetpal Singh Dhiman alias Sonu, according to the statement of Mahinderpal i.e. father of the said Sarabjit Singh, complainant gave cash amount of Rs.1,80,000/- to Mahinder Singh on 13.09.2024 at Sarabjit Singh's office B.M. Consultancy, Sangrur. Then, even after long time, when neither the complainant Jagmeet Singh received any kind of visa nor did the said persons tell the status of the visa file of the complainant Jagmeet Singh, then the complainant Jagmeet Singh felt suspicion on opposite party Sarabjit Singh and Mahinderpal and started visiting their office more than before. Upon which, Sarabjit Singh started saying complainant Jagmeet Singh that the Australian government has tightened the issuance of visas, so they will return back the money to complainant soon. Then one day, opposite party Sarabjit Singh and Mahinderpal closed their office and Sarabjit Singh disappeared from the said house. Then a report was obtained from the office of Deputy Commissioner, Sangrur regarding Sarabjit Singh's licence of BM Consultancy Travel Agent. According to the said record, no licence was issued by the office in the name of Sarabjit Singh, Proprietor of BM Consultancy. Conclusion Report: On

perusal of enquiry report, statements, bank statement and photocopy of passport, it has been found that the opposite party Sarabjit Singh and Mahinderpal together opened an office in the name of B.M. Consultancy, near Ghanta Ghar, adjoining to Ajit Newspaper Office, Sangrur. According to the record, no licence was issued in the name of Sarabjit Singh, Proprietor of BM Consultancy. Sarabjit Singh had deceived the complainant party Jagmeet Singh by taking him in his words and asked him to get his Australian visa, and the total amount of visa was fixed at Rs. 40,00,000/-, half of which was to be paid before the visa was issued and half of the amount was to be paid after the visa was issued. Upon which, the complainant Jagmeet Singh came into the words of Sarabjit Singh and Mahinderpal and deposited total amount of Rs.17,20,000/- in the bank accounts of the said Sarabjit Singh through different banks. Apart from above, Rs. 10,80,000/- was given in cash to the opposite party Sarabjit Singh and Mahinderpal. Thus, total amount of Rs.28,00,000/- was found to have been received by Sarabjit Singh and Mahinderpal from the complainant party Jagmeet Singh. The opposite party Sarabjit Singh and Mahinderpal after receiving Rs.28,00,000/- from the complainant party Jagmeet Singh, neither applied for the visa of the complainant party nor returned back the money. In this way, Sarabjit Singh and his father Mahinderpal have done the wrong act. Therefore, from the enquiry conducted so far, Sarabjit Singh and Mahinderpal, without having travel agent licence, in collusion with each other, received Rs.28,00,000/- from the complainant Jagmeet Singh by deceiving him on the pretext of getting his visa for Australia and thus, they have committed offence under Sections 420/460/120-B of IPC and Section 13 of Punjab Travel Professional Regulation Act. Apart from above, according to the bank statements,

there is lot of money transaction between Kanwalpreet Kaur daughter of late Narinder Singh, resident of House No.B-10, Gali No.8, Prem Basti, Sangrur and the opposite party Sarabjit Singh, therefore, the role of Kanwalpreet Kaur also requires to be enquired during investigation, so the same should be enquired. So by agreeing with the report of Incharge, CIA Sangrur, if approved, then appropriate order be issued to the SHO P.S. City Sangrur for registration of FIR under Sections 420,406, 120-B of IPC and Section 13 of Punjab Travel Professional Regulation Act against the opposite party Sarabjit Singh son of Mahinderpal, and Mahinderpal son of late Arjan Singh, residents of House No.657, Gali No.1, Guru Teg Bahadur Colony, Sangrur, District Sangrur. Report is submitted for appropriate order. Sd/-Deputy Superintendent of Police (Detective) Sangrur." The Deputy Superintendent of Police (Detective) Sangrur sent his report vide No.1600/5-P/DSP (Detective) Sangrur dated 08.03.2024 to the Hon'ble SSP. Upon which, Hon'ble SSP wrote to SHO P.S. City Sangrur to register case & investigation. Sd/- Sr. Supdt of Police, Sangrur dated 12.03.2025, On receiving of said order, FIR for the respective offences was registered against Sarabjit Singh son of Mahinderpal and Mahinderpal son of late Arjan Singh, residents of House No.657, Gali No.1, Guru Teg Bahadur Colony, Sangrur, District Sangrur. Record was entered. Incharge, Control Room, Sangrur is being informed via E/M. Special reports are being sent via DAK. Copy of FIR alongwith above numbered complaint and enquiry reports are being sent to DSP(R) Sangrur via DAK for initiating further investigation."

3. Learned counsel for the petitioner submits that the petitioner is in custody since 03.04.2025. Learned counsel has further iterated that the

petitioner is a man aged 69 years suffering from Colon cancer. Learned counsel further submits that the petitioner's son has merely advised the complainant regarding the procedure of going abroad which could not be fructified. Learned counsel submits that the petitioner has no criminal antecedents and the petitioner has been falsely implicated in the case. Thus, regular bail is prayed for.

4. Counsel for the State has opposed the present petition by arguing that the allegations raised are serious in nature and, thus, the petitioner does not deserve the concession of 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 03.04.2025 and is in custody since then. Till now, 23 prosecution witnesses have been cited but none has been examined. The rival contentions of the parties give rise to debatable issues which shall essentially be ratiocinated upon 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 investigation/trial. Nothing tangible has been brought forward to indicate the likelihood of the appellant absconding from the process of justice or interfering with the remaining prosecution evidence.

As per the custody certificate dated 30.07.2025 filed by the learned State counsel, the petitioner has suffered incarceration of 3 months and 27 days. Further, as per the said custody certificate the petitioner is stated not to be involved in any other case.

Suffice to say, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

7. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned 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 cell phone 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/Illaqa 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 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.

(SUMEET GOEL)
JUDGE

July 31, 2025
sailsh

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No