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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-60615-2024****Date of Decision: 14.01.2025**

Sarabjeet Kaur and another

...Petitioners

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.ShekhawatPresent : Mr. Rahul Soi, Advocate (through VC)
for the petitioners.

Mr. Deepinder Singh Brar, Senior DAG, Punjab.

Mr. S.S.Momi, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioners have filed the instant petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant anticipatory bail to them in case FIR No.0075 dated 18.08.2024 registered under Sections 420, 506, 120-B of IPC, at Police Station Ghagga, District Patiala.

2. The FIR in the present case was registered on the basis of the statement made by Baldev Ram son of Chiman Lal and the same has been reproduced below:-

“By: Baldev Ram son of Chiman Lal village Dedhana Police Station Ghagga District Mobile 99140-88912,70275-13163. against:- 1. Gurpreet Singh son of Mahendra Singh resident # 331 Ranjit Nagar Siwana Road Patiala 2. Sarabjit Kaur wife Singh resident Gurpreet Singh son of Mahinder Singh resident #331 Ranjit: Nagar Siwana Road Patiala 79863-66201 Subject:- Travel



agent Gurpreet Singh and Sarabjit Kaur cheated the applicant Baldev Ram on behalf of his nephew Gopi son of Dharamvir resident of Habira Police Station Thanesar District-Kurkshetra, Haryana. on the pretext of sending him to a foreign country New Zealand. - Repeatedly cheat by taking more than 30 lakhs. I request that I am Baldev Ram son of Chiman Lal resident of Village Dedhana Police Station Ghagga, District-Patiala and passed BA Final. Travel agent Gurpreet Singh son of Mahinder Singh resident #331 Ranjit Nagar Siwana Road Patiala, I became acquainted during my studies, whose office is opened in the name of Fly Visa at Bhadson Road Patiala. Many people from Punjab and Haryana has been sent to foreign countries. I had complete trust with the travel agent Gurpreet Singh, my nephew Gopi, son of Dharamvir, resident of Hathira police station, Dhanesar district, Kurkastra, Haryana, told me that I want to go to a foreign country, New Zealand, if you know a travel agent, please let me know. Then I told my cousin Gopi that my familiar travel agent is Gurpreet Singh from Patiala who has opened his office as Fly Visa at Bhadson Road Patiala. I will tell you after talking to that agent, in April 2023 I talked to travel agent Gurpreet Singh about sending my nephew Gopi abroad to New Zealand, who advised me that if you want to send your nephew abroad, then I can send him abroad. For that it will cost about 30/35 lakh rupees. Then, I told Gurpreet Singh travel agent that I will tell you after consulting my nephew. After talking to him about the cost, he agreed, so in the month of May, my nephew came to Dedhana village with his passport. With whom I went to travel agent Gurpreet Singh where travel agent Gurpreet Singh and his wife Sarabjit Kaur were present, so I handed over my nephew's passport to Gurpreet Singh who in front of me, gave that passport to his wife Sarabjit Kaur. Then travel agent Gurpreet Singh applied for my nephew Gopi's Visa. The Visa of my nephew came within about 20 days. Then the travel agent



Gurpreet Singh demanded payment from me and said that pay in my account, I will send your nephew Gopi abroad to New Zealand soon. Then on 21.06.2023 on my asking my nephew had sent Rs. 3,50,000/- (three lakh fifty thousand) from his bank Account Number: 0397104000097796 IDBI Bank Kurukshetra and on date 21.06.2023 my elder nephew Hukum Singh made two lakh rupees from his Account No: 0397104000129541 and I from my own Account No. 520291006647389 Union Bank Dudhan and Account No 02372191022719 PNB Bank total 27 lakhs was deposited in Gurpreet travel agent's account number UP1/316405003393 in the name of Sarabjit Kaur. Then at my request, travel agent Gurpreet Singh through his wife Sarabjit Kaur gave tickets to my nephew Gopi from Delhi to Bombay and from Bombay to Fiji. On 18.07.2023, my nephew Gopi reached Bombay by flight from Delhi to Bombay. When my nephew was going by flight from Bombay to Fiji, so My nephew's documents were checked during the stay at Singapore. Due to errors found in the documents, my nephew was barred from moving forward for a month. Then Gurpreet Singh told my nephew Gopi that you should go to the Bangkok. I will pay for your living expenses. Then my nephew Gopi went to Bangkok by flight from Singapore. Then my nephew stayed in the bangkok for a long time, but travel agent Gurpreet Singh did not send any expenses to my nephew Gopi. Then travel agent Gurpreet Singh arranged a ticket for my nephew from Bangkok to Fiji after about a month. But due to some error in the documents my nephew was not allowed to go to Fiji from Bangkok. Then the travel agent Gurpreet Singh told my nephew to stay in Bangkok for 15 days, I will get the documents correct. Then he sent my nephew Gopi from Bangkok to Indonesia. After about 10 days, he was called back to Bangkok from Indonesia. About a week after that, he gave my nephew Gopi a ticket from Bangkok to Fiji. After that my nephew reached Fiji, due to errors in the documents from Fiji, the authorities at Fiji kept



my nephew Gopi locked in the room for about 04 days. Then the authorities from Fiji gave my nephew Gopi a return ticket and sent him to Delhi. During these flights, I sent the expenses of my nephew's accommodation and food. The total expenditure was around 5 lakh rupees, now when I and my nephew Gopi demand the money back from the travel agent Gurpreet Singh, he and his wife Sarabjit Kaur continue to hesitate when we go to his office Fly Visa Bhadson Road Patiala. If we go, they are threatening to kill us. Travel agent Gurpreet Singh and his wife Sarabjit Kaur conspired with each other and cheated me by extorting about 30 lakh rupees from me by pretending to send my nephew Gopi to a foreign country to New Zealand. Necessary action be taken against them sd/- Baldev Ram son of Chiman Lal resident of village Dedhana Police Station Ghagga, District Patiala.”

3. Learned counsel for the petitioners contends that from the averments made in the present case, it is apparent that it was a case of civil dispute between the parties and have been given a colour of the criminal offence illegally. Learned counsel further contends that to prove the offence of cheating, it has to be shown that the accused had fraudulent intention at the very inception to constitute the offence against the petitioners. Gopi, nephew of the complainant was sent to Fiji on 18.07.2023 and the FIR in the present case has been got registered on 16.08.2024, when the nephew of the complainant was reported back to India. Even the transactions had taken place at Patiala and the FIR has been got registered by the complainant at Ghagga and the said Police Station has no jurisdiction over the matter.

4. On the other hand, short reply by way of an affidavit of Deputy Superintendent of Police, Sub-Division, Patran has been filed on behalf of the



respondent-State in Court today and the same is taken on record. Learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioners on the ground that the petitioners had cheated the complainant to the tune of Rs.25 lakhs on the pretext of sending the nephew of the complainant abroad. As per counsel, the amount of Rs.3,50,000/-, Rs.2,00,000/- and Rs.7,33,300/- were transferred by the complainant party in the accounts of the present petitioners. Apart from that, a sum of Rs.12,16,700/- was paid in cash to petitioner No.2. Even an amount of Rs.4,28,400/- was spent for arranging travel tickets and stay expenses of his nephew. Apart from that, even the passport of nephew of the complainant was handed over to petitioner No.1 and an amount of Rs.12,83,300/- was also transferred in the account maintained in the name of petitioner No.1, as per the instructions of petitioner No.2. Thus, it is apparent that both the petitioners had cheated the complainant for a sum of Rs.25 lakhs on the pretext of sending him to New Zealand.

5. I have heard the learned counsel for the parties and perused the record.

6. From the allegations levelled in the complaint, it is apparent that the petitioners have cheated an innocent villager to the tune of Rs.25 lakhs on the pretext of sending him to New Zealand. Apart from that, the passport and other documents were also taken from the complainant, which are yet to be recovered from both the petitioners. Moreover, the custodial interrogation of the petitioners is required to know the names of other persons, who may also be involved along with the present petitioners.



7. Thus, keeping in view the gravity of the matter as well as the need for custodial interrogation, the present petition deserves to be dismissed by this Court.

8. Dismissed.

(N.S.SHEKHAWAT)
JUDGE

14.01.2025
hemlata

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No