



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

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CRM-M-52759-2024

Date of decision: 6th February, 2025

Kiran Partap Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Pradeep Virk, Advocate and
Dr. Neha Awasthi, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

Mr. Brijeshwar Singh Bhalla, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 153 dated 25.09.2024 registered under Sections 420, 465, 467, 468, 471, 120-B of IPC (Old) New 318(4), 336(2), 338, 336(3), 340(2), 61(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 13 of Punjab Travel Professionals (Regulation Act 2014) at Police Station City South Moga, District Moga.

2. Adumbrated facts as emanating from the record are that the complainant Gurjinder Singh lodged a complaint on the allegations that the accused Shamsher Singh, who was running a marriage bureau and was also a



photographer, had represented to him that he could send the complainant to Australia on tourist visa and thereafter, arrange a study visa for him. He had demanded a sum of Rs. 15,00,000/- for this purpose, while representing that the entire amount would be taken by him after sanctioning of Visa. He had taken requisite documents from the complainant and informed him in the month of April, 2023 that Visa had been issued in his favour. The complainant on his asking had transferred an amount of Rs. 5,50,000/- in the bank account of the present petitioner and an amount of Rs. 3,00,000/- in the account of co-accused Shamsheer Singh. The remaining amount of Rs. 6,50,000/- was handed over by complainant to Shamsheer Singh in cash. The present petitioner had handed over an e-visa to the complainant while returning his passport. The complainant got air tickets booked for 10.04.2023 but on reaching the immigration counter of the airport, he was told that the visa so issued was a false and fabricated document and he was asked to leave the airport after being warned. The complainant immediately contacted the accused Shamsheer Singh, who called him at the house of one Raju Sahota, the present petitioner was also there. The complainant insisted for refunding of his money, but he was provided another visa by the petitioner and the co-accused which too was found to be fake.

3. As per the further allegations, the complainant had reported the matter to the police and on its intervention an amount of Rs. 3,00,000/- had been returned to the complainant but the petitioner and co-accused refused to return the remaining amount of money thereby, compelling the complainant to lodge the complaint. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, present



petitioner moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Moga which was dismissed vide order dated 08.10.2024.

4. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He is not involved in the business of sending people abroad. He is also not a travel agent. Infact, it is the co-accused Tarwinder Singh, a friend of the petitioner, who works as a travel agent and it was on his asking that the money to be given by the complainant to Tarwinder Singh had been transferred in the bank account of the petitioner. No false or fabricated Visa had been issued in favour of the complainant, rather a genuine visa had been issued. but it was own account of some in correction in the name of the complainant that the immigration authorities had suggested to get the same corrected. For the second time also, genuine visa had been issued but the complainant himself was not interested to go abroad. The ingredients for commission of offence of cheating and forgery have not at all been attracted as against the petitioner. He is ready to join the investigation. His custodial interrogation is not required. He has clean antecedents. No recovery is to be effected from him. It is, accordingly urged that the petition deserves to be allowed.

5. Status report has been filed by the respondent-State. Learned Assistant Advocate General, Punjab assisted by learned counsel for the complainant has argued that the allegations against the petitioner are serious in nature as by hatching a conspiracy with the co-accused and to cause wrongful loss to the complainant by cheating him, he along with the co-



accused had extracted money from him. An amount of Rs. 5,50,0000/- had been transferred in his bank account by the complainant. The story concocted by the petitioner of the transaction of money having taken place on asking of co-accused Tarwinder Singh is not probable. His custodial interrogation is required for thorough investigation of the matter by the police. Therefore, it is urged that the petition does not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

7. The petitioner by hatching a conspiracy with the co-accused is alleged to have induced the complainant to part with huge amount of money on the pretext of sending him to Australia and for issuance visitor and student visas for him. An amount of Rs. 5,50,000/- is shown to have been transferred in the bank account of the petitioner by the complainant. As per the allegations, an amount of Rs. 6,00,000/- was also given in cash to the petitioner by the complainant. For the purpose of conducting thorough investigation in the matter, custodial interrogation of the petitioner is must. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly and in exceptional circumstances. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. Keeping in view the gravity of allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and



the attendant facts and circumstances of the case, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

6th February, 2025

Parveen Sharma

1. Whether speaking/ reasoned

: Yes / No

2. Whether reportable

: Yes / No