

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:068735



316

CRM-M-14382-2025
Date of decision:21.05.2025

Manpreet Singh @ Abhishek

... Petitioner

Vs.

State of U.T. Chandigarh

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Raj Kumar Malik, Advocate for the petitioner.

Mr. Manish Bansal, P.P., U.T., Chandigarh.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No.110 dated 24.05.2024 registered under Sections 420, 467, 468, 471, 120-B IPC at Police Station Sector-36, Chandigarh.

2. The above mentioned FIR was registered on the basis of a complaint lodged by the complainant - Swapan Chakraborty, resident of Kolkata alleging that in the year 2022, he had seen an advertisement on Facebook in his mobile phone. Jobs in Canada were offered as per the said advertisement. In response thereto, he made a call on the number given in the advertisement. Co-accused Arohi @ Sonia, who received the call, disclosed the details of Humble Overseas Consultation, who had issued the advertisement as well as its address and asked the complainant to send

money for processing fee along with required documents. She also made the complainant talk to the petitioner i.e. accused Manpreet Singh @ Abhishek by representing him to be the owner of the above mentioned consultancy services. The petitioner had made the complainant talk to accused Akash. All of them induced the complainant to part with a sum of Rs.61,50,500/- by getting the same deposited in different bank accounts by alluring him that they would get his work visa issued for Canada. The complainant alleged that, however, the petitioner and the co-accused neither got visa issued in his name nor they returned his money and had given him some false payment receipts qua deposit of money with the Government of Canada and had cheated and defrauded him. After registration of the FIR, investigation proceedings were initiated. Co-accused Ravi @ Ravi Bholu and the petitioner were apprehended and arrested. They suffered disclosure statements admitting their involvement in the crime. Co-accused Sonia @ Arohi was also arrested. Presently, the petitioner along with co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. No transaction of money ever took place in his bank account. No recovery has been effected from him. Co-accused Sonia @ Arohi has been extended benefit of bail. Being on parity, he too deserves to be extended the same benefit. The subject offences are triable by the Magistrate. The complainant has entered into a compromise with him and has recorded a statement (Annexure P-2) on 31.05.2024). His further incarceration would not serve any useful purpose. Pendency of other criminal cases cannot be considered to be reason for not granting benefit of

bail to him in this case. With these broad submissions, it is urged that he deserves to be released on bail.

4. Complainant has appeared in person and has submitted that keeping in view the gravity of the allegations, the petitioner does not deserve to be extended benefit of bail.

5. Status report has been filed. It is argued by learned Public Prosecutor, U.T., Chandigarh that there are serious allegations against the petitioner, who claimed himself of be an owner of a consultancy firm and induced the complainant and other persons to apply for work visa for Canada by making advertisement on Facebook. It was on his inducement that the complainant had parted with a sum of Rs.61,50,500/- being assured that he would be sent to Canada. His voice samples were taken and the same along with recordings of the calls made with the complainant had been sent to CFSL and the samples have matched with the voice in the call recordings and the same are sufficient to show the active involvement of the petitioner in the crime. He had been deceiving people on false pretext of providing PR and work permit for Canada and had misled the complainant for his financial gains. Wrongful loss has been caused to the complainant. The petitioner has criminal antecedents. One more case of similar nature and another for committing offence of theft and receipt of stolen property has been registered against him. There are chances of the petitioner's intimidating the witnesses or absconding, if extended benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

6. I have heard rival submissions made by learned counsel for the parties.

7. The petitioner in connivance with co-accused is alleged to duped the complainant of a sum of Rs.61,50,500/- and is alleged to have caused huge financial loss to the complainant. He is in custody since 24.05.2024. Trial is likely to take time since no prosecution witness has been examined so far. The offences for which he has been booked and challaned are triable by Magistrate. The petitioner has clean antecedents. No fruitful purpose would be served by detaining him in custody anymore. It is well settled preposition of law that the bail is the rule and jail is an exception. Keeping in view the above facts and circumstances but without meaning to make any comment on the merits of the case, lest they prejudice the case of either of the parties, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate/CJM concerned.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

21.05.2025

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