

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

2025.PHHC:082911



CRM-M-34531 of 2025 (O&M)

DATE OF DECISION: 10th July, 2025

Manish Kumar

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Parvez Chugh, Advocate,
Mr. Himanshu Setia, Advocate and
Mr. Bhavesh Ola, Advocate for the petitioner.
Mr. Durgesh Garg, AAG Punjab.

SUMEET GOEL, J (ORAL)

1. Present petition has been filed under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.0015 dated 07.02.2018, under Sections 406, 420, 120-B of Indian Penal Code, 1860 and Section 24 of Immigration Act, registered at Police Station Mataur, District SAS Nagar, Punjab.
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“Copy of Complaint No.2487/PESHI/SSP dated 19.06.2017. To respectable SSP Sahib, Mohali, Subject: To take legal action and give justice against representatives of Tycoonz Education Consultant, SCF 23-24, 382, Mohali, Mobile No.8725097727-0172-4990000 namely Pardeep Singh, Navjot Kaur and Harjinder Singh MD. Sir, I Rajinder Singh son of Mukhtiar Singh resident of village Nizampura, P.S. Jandiala Guru, District Amritsar humbly submit as under: That I live in my village and do agricultural work I have two children i.e. one son and one daughter. My son Akashdeep Singh has passed

10+2 and wanted to settle outside for better future. That on 08.09.2015, I read one advertisement in Jagbani Newspaper from abovesaid Tycoonz Education Consultant SCF 23-24, 3B2, Mohali. It was written in the advertisement that IELTS or GAB will work without study visa. Copy of same is Annexure-I. After reading the advertisement we had averred with the company and we reached the address given in the advertisement at Mohali on 14.09.2015. Over there Pardeep Singh, Navjot Kaur and Harjinder Singh met us and assured us that my son will soon get study visa for Australia and he will be send there. Vide receipt No.8951 dated 14.09.2015 and 8952 dated 14.09.2015 they received amounts of Rs.30,000/- and Rs.2000/- respectively. Receipts are annexure-2 & 3. Later on 13.10.2015 they received Rs.15000/- from us as GAB charges. Receipt is annexure-4. This amount was got deposited in the company account No.00158380000657 of YES Bank. Later the company showed us one forged and fabricated offer letter and asked us to deposit the fees. Later the accused received an amount of Rs.4,47,150/- from us vide receipt No.10254 dated 24.11.2015. I had given this amount to them in front of my wife Pamalbir Kaur and my niece Nirmaljit Kaur. Receipt is annexure-6. Then the accused asked us to get the medical done. They gave us one Hap ID having No.9412652. On this Hap ID we got student medical conducted from Satguru Partap Singh Hospital, Ludhiana. We submitted the medical receipt in this office and they told us that they have to supply the medical receipt with the file. Thereafter the company took cash amount of Rs.28750/- from us as embassy fees but did not give any receipt for the same. On demand, they told that the receipt is with their advocate. Later the accused gave one forged and fabricated confirmation letter No.78BD8573 prepared in the name of my son. Same is annexure-7. Then we got suspicious that these accused are cheating us and therefore my son Akashdeep Singh sent one email to the college at Australia which is annexure-8. We received reply mail from the college and they had written on their letter head that they do not have any agreement or association with the said company, which is annexure-9. Later we pressurized the abovesaid accused and told them that they should return our money if they cannot get the visa. The accused told that they will write an email to the college for refund, however the refund takes about three months' time period. Upon our repeated requests the accused persons returned us an amount of Rs.4,16,000/- vide Cheque No.435037 out of total amount of Rs.5,26,700/- on the condition that I will have to write on affidavit that I am withdrawing the study visa file from the company on my own wish and consent and further I do not have any association with the company and also will not take any action against the company. We were helpless and we had to give this in writing and thereafter these accused gave us the cheque of Rs.4,16,000/-. These accused also took the original receipts of the amounts given by us. These accused used our

amount of Rs.5,26,700/- for one year and also wasted one year of my son which resulted in one year gap of my son. We are also getting threats from them on the phone that they will trap us in false case if we take any legal action against them. Sir, it is requested to you that this complaint was got marked from the office of SSP Sahib, Amritsar vide Memo No.1664AP dated 07.11.2016 and SSP, Mohali was also sent this complaint vide Memo No.1898AP dated 17.12.2016. After sometime, we received call from EO Wing, Mohali through ASI Ramesh Gill and he asked us if we have given complaint against agents for the offence of cheating. We told him that agents have cheated us and justice be done and our remaining amount be got recovered alongwith interest. ASI was not ready to listen to us and told us that you have settled with them and given affidavit to them and therefore nothing can be done. Sir, it is requested that above accused have cheated us and committed fraud with us. Appropriate action be taken against them by registering FIR. Our remaining money be got recovered from them alongwith interest. Thanking you Yours sincerely SD/- Rajinder Singh son of Mukhtiar Singh resident of village Nizampura, P.S. Jandiala Guru, District Amritsar, Mobile No.9872433473.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 27.01.2025. Learned counsel for the petitioner has further argued that the allegations primarily pertains to the year 2015 on account of which FIR came to be registered in the year 2018. Learned counsel for the petitioner further iterated that there is no direct connection of the petitioner with the firm namely M/s Tycoonz Education Consultant. Learned counsel has further submitted that out of Rs.5,26,700/-, the complainant has already received an amount of Rs.4,16,000/- from the owner of the firm-M/s Tycoonz Education Consultant. To buttress this aspect of the argument, learned counsel for the petitioner has relied upon an affidavit dated 03.09.2016 stated to have been executed by the said Rajinder Singh (Copy whereof has been appended as Annexure P-6). Learned counsel further submitted that the investigation in the present case is complete and no useful purpose would be served by keeping the petitioner behind bar any longer.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the 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 27.01.2025 whereinafter investigation was carried out & challan was presented on 25.5.2025. No prosecution witness has been examined till date though 14 prosecution witnesses have been cited. The contentions raised by rival parties give rise to debatable issues which shall be ratiocinated upon during the course of trial. This Court does not deem it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per the custody certificate dated 10.07.2025 filed by the learned State counsel, the petitioner has suffered incarceration for 5 months and 9 days in the FIR in question. Further as per the said custody certificate the petitioner is said to be involved in 10 other FIRs but in the considered opinion of this Court, the factum of petitioner being involved in other criminal case would not be a reason, sufficient by itself, to decline the concession of regular bail to the petitioner qua the FIR in question especially when the petitioner has been able to make out a case for grant of regular bail in the FIR in question on merits thereof. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Muulana Mohd. Amir Rashadi vs. State of U.P. and another, 2012(1) RCR(Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das vs. State, 1998(2) RCR (Criminal) 477* & judgments of this Court in *CRM-M-38822-2022 titled as Akhilesh Singh vs. State of Haryana, decided on 29.11.2021* and *Balraj vs.*

State of Haryana, 1998(3) RCR (Criminal) 191. Suffice to say further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the present case.

7. In view of totality of factual matrix of the present case, the instant petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. 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.

10th July, 2025

reema

Whether speaking/reasoned

Whether reportable

Yes

No

**(SUMEET GOEL)
JUDGE**