

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-61156-2024
Reserved on: 17.03.2025
Pronounced on: 25.03.2025

Gursharan Kaur and another ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ashok Kumar Khunger, Advocate
for the petitioners.

Mr. Gurpartap Singh Bhullar, AAG, Punjab.

Mr. Yashpreet Singh Bhandhul, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
220	21.11.2024	Civil Lines, Patiala, District Patiala	420 IPC

1. The petitioners apprehending arrest in the FIR captioned above have come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. In Note (2) of the bail petition, the accused-petitioner No.2 declares that he has no criminal antecedents. However, Note (2) of the bail petition and per paragraph 17 of the reply filed by the State, the accused-petitioner No.1 has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	0025	01.03.2025	406/420 IPC	Sector 9, Ambala City, District Ambala
2	193	2024	420 IPC	Civil Lines, Patiala

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“5. That the contents of the complaint are that the complainant Chanpreet Singh, wanting to study abroad, came across an advertisement of Ostrich Immigration on Instagram and visited their office at SCO No. 61, Leela Bhawan, Patiala in the last week of May 2023, where he met the manager Gursharan Kaur (the petitioner no. 1) and Manpreet Singh

Chahal (the brother of petitioner no. 2 Harinder Singh Chahal).

6. *That the above said accused persons, after checking complainant's documents, assured him of obtaining a Canadian study visa for a total cost of Rs. 15,00,000/-. The complainant provided them with photocopies of his passport and other necessary documents.*

7. *That on 02.06.2023, the above said accused informed the complainant about receiving his offer letter from a Canadian college, which they sent via WhatsApp, and asked him to visit their office for fee deposit. Subsequently, the following payments were made Rs. 6,23,220/- through cheque No. 000037 dated 12.06.2023, Rs. 5,00,000/- through cheque No. 000039 dated 13.06.2023 from the same account, Rs. 3,54,789/- through cheque No. 06041 dated 13.06.2023, from complainant's mother Rajinder Kaur's Punjab & Sind Bank account No. 09891000006269 and were transferred to Vibrant Financial Service's BDBL Bank account No. 10220010222179, IFSC code BDBL0001342.*

8. *That the said accused promised the complainant that the Canadian study visa would arrive in three months but it thereafter they kept making excuses and delayed matter. In December 2023, they demanded additional Rs. 10,000/-, in lieu of that the complainant would receive Visa by the month of March 2024 regarding which Rs. 9,000/- was paid through Google Pay to Manpreet Singh Chahal (phone No. 8283005111) and Rs. 1,000/- in cash to Gursharan Kaur at their office.*

9. *That upon repeated inquiries about the study visa status by Chanpreet Singh, Manpreet Singh Chahal and Gursharan Kaur consistently evaded providing any clear responses regarding the progress of his application. They subsequently closed their office without any prior notice or explanation. When the complainant Chanpreet Singh contacted Manpreet Singh Chahal regarding the status of his visa and the money paid, the latter responded with intimidating threats, stating that Chanpreet Singh could do whatever he wanted, as many people like him approach Manpreet Singh Chahal, and that Chanpreet Singh could not harm him. He further threatened that if Chanpreet Singh took any action against him, he would face consequences as Manpreet Singh Chahal claimed to have connections in high places.*

10. *That the complainant also approached Manpreet Singh Chahal's brother, Harinder Singh (the petitioner no. 2), who also kept evading the issue. The complainant discovered that the accused persons had similarly cheated many other people under the pretext of sending them abroad and they are about to run away.*

11. *That in his complaint, Chanpreet Singh requested for an investigation into the matter and sought justice. He further requested for appropriate legal action to be taken against Manpreet Singh Chahal, Harinder Singh, and Gursharan Kaur (the petitioners) for defrauding him of Rs. 15,00,000/- and for issuing threats. The complainant also sought assistance in recovering his money from the accused persons.”*

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioners and their family.

5. The State's as well as counsel for the complainant oppose bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“19. That the petitioners Gursharan Kaur and Harinder Singh Chahal, along with their accomplice Manpreet Singh Chahal, have orchestrated a sophisticated fraud scheme through their business Ostrich Immigration, systematically deceiving young aspirants seeking study visas for Canada. The modus operandi involved accepting substantial payments under false pretences, providing deliberately incorrect signed checks, and subsequently closing their office without delivering the promised services. Their actions demonstrate a premeditated scheme to defraud not only the complainant Chanpreet Singh of Rs. 14,78,009/- but also other victims, as evidenced by another FIR No. 193/2024 under Section 420 IPC registered against petitioner Gursharan Kaur and Manpreet Singh Chahal at Police Station Civil Lines, Patiala.”

7. Counsel for the petitioners submits that out of alleged amount of Rs.14,78,009/-, Rs.80,000/- have already been refunded. Counsel further submits that petitioner No.1 was the employee of the firm and petitioner No.2 is not directly involved and no money was transferred in their accounts.

8. Given the act of petitioner of refunding the amount, pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

9. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioners make a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

10. Given above, provided the petitioners are not required in any other case, the petitioners shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a

Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioners shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. This order is subject to the petitioner's complying with the following terms.

13. The petitioners are directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioners shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioners shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioners shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

14. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioners notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

15. This bail is conditional, and the foundational condition is that if the petitioners indulge in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

16. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

17. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioners can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants

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to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

18. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

25.03.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.