



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

CRM-M-54417-2024

Date of decision: 14.01.2025

Hardeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. M.K.Dogra, Advocate,
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
138	01.12.2023	Phase-11, District SAS Nagar Mohali	406, 420, 465, 467, 468, 471, 120-B IPC and Sections 24, 25 of the Immigration Act.

1. The petitioner apprehending arrest in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per paragraph 8 of the reply dated 09.12.2024, the accused has the following criminal antecedents:

Sr. No	FIR No.	Dated	Sections	Police Station
1.	76	27.06.2023	406, 420, 465, 468, 471, 120-B IPC & 24, 25 of Immigration Act	Phase-11, SAS Nagar
2.	78	30.06.2023	406, 420, 465, 468, 471, 120-B IPC & 24, 25 of Immigration Act	Phase-11, SAS Nagar
3.	79	30.06.2023	406, 420, 465, 468, 471, 120-B IPC & 24, 25 of Immigration Act	Phase-11, SAS Nagar
4.	89	25.07.2023	406, 420, 465, 468, 471, 120-B IPC & 24, 25 of Immigration Act	Phase-11, SAS Nagar
5.	90	26.07.2023	406, 420, 465, 468, 471, 120-B IPC & 24, 25 of Immigration Act	Phase-11, SAS Nagar
6.	104	08.09.2023	406, 420, 465, 468, 471, 120-B IPC & 24, 25 of Immigration Act	Phase-11, SAS Nagar
7.	105	08.09.2023	406, 420, 465, 468, 471,	Phase-11, SAS



			120-B IPC & 24, 25 of Immigration Act	Nagar
8.	111	26.09.2023	406, 420, 465, 468, 471, 120-B IPC & 24, 25 of Immigration Act	Phase-11, SAS Nagar
9.	118	09.10.2023	406, 420, 465, 468, 471, 120-B IPC & 24, 25 of Immigration Act	Phase-11, SAS Nagar
10.	134	29.11.2023	406, 420, 465, 468, 471, 120-B IPC & 24, 25 of Immigration Act	Phase-11, SAS Nagar
11.	135	29.11.2023	406, 420, 465, 468, 471, 120-B IPC & 24, 25 of Immigration Act	Phase-11, SAS Nagar
12.	137	01.12.2023	406, 420, 465, 468, 471, 120-B IPC & 24, 25 of Immigration Act	Phase-11, SAS Nagar
13.	115	03.10.2023	406, 420, 465, 467, 468, 471, 120-B IPC & 24 of Immigration Act	Phase-11, SAS Nagar
14.	08	01.02.2024	406, 420, 465, 468, 471, 120-B IPC & 24, 25 of Immigration Act	Phase-11, SAS Nagar

3. The facts and allegations are being taken from the translated copy of FIR, which reads as follows:

“Statement of Bhupinder Singh S/o Sh. Rattan Singh R/o House No. 143 Dashmesh Nagar Sector 15 Kharar, Police Station City Kharar District SAS Nagar (Aged About 23 years) Mobile No. 7526929206 stated that i am resident of above mentioned address and i am doing private work. I want to go abroad to Canada at study visa. I saw an add on Instagram of English Guru Office who are involved in the business of finance and sending abroad. I called in their office and from that side spoken to person named Gurinder Singh Bath. Who asked us to visit by coming to their office English Guru Second Floor SCF No. 31, Phase-10 District SAS Nagar. In March 2022, I along a with my father Rattan Singh visited office of English Guru Second Floor SCF No. 31, Phase-10 District SAS Nagar. Where we met with Gurpreet Singh owner of the Company, Hardeep Singh, Gurinder Singh Bath and had a talk/ they told me that total expenses of sending abroad to Canada on study visa is 17 Lakh. On their instruction I paid Rs. 6,000/- in case to Gurinder Singh Bath regarding my offer letter. Hardeep Singh called me again to his office and gave me my offer letter on 27.04.2022. As per instructions of Hardeep Singh, Gurinder Singh Bath and Gurpreet Singh owner of the company, I paid my college fees Rs. 4,40,000/- from my father's Bank Account Punjab and Sind Bank account no. 01861000014970 and Rs. 4,40,000/- from my



Mother Ramanpreet Kaur Bank account ICBI Bank Account no.1668104000085463. I paid total Rs. 8,880,000/- through Cheque. They opened my special bank account at Axis Bank Account no.922010024372299 for depositing amount of GIC. This account is being operated by themselves only on 25.05.2022, as per their instructions i paid my GIC fees Rs. 6,15,000/- through Cheque of ICICI Bank account no. 079101507880 which they have withdrawn on different dated from Axis Bank Account no.922010024372299. AS per their instructions I have deposited Rs. 6,650/- in cash as medical fees from Max Hospital Phase-6 SAS Nagar. As per their instructions i paid Biometric Rs. 14,500/- to Gurpreet Singh owner of the company Hardeep Singh and Gurinder Singh Bath. Then we visited to their office and asked about my study visa and they told me that you file has been submitted, you enquire about it by 2-4 months or we will inform you. I used to enquire about my study visa by calling in their office till date Gurpreet Singh owner of the company, Hardeep Singh and Gurinder Singh Bath kept dilly delaying. I after visited their office to enquire about my study visa and if my study visa is not arranged then return my amount. Neither Gurpreet Singh owner of the company, Hardeep Singh and Gurinder Singh Bath arranged my study visa for Canada nor they have returned my money. I enquired on my own about the offer letter given to me by Hardeep Singh is found fake. All these persons cheated me of Rs. 15,22,150/- by pretending to send me abroad to Canada on Study visa. I came to know that Maheshinder Singh S/o Ranbir Singh R/o House No. 02 village Jujhar Nagar, Dashmesh, Balongi Distt. SAS Nagar is also being cheated of Rs. 9,07,150/- the pretext of sending abroad to Canada on study visa and Yugyad Singh S/o Baljit Singh R/o House No. 124 Dashmesh Nagar Sector 15 Kharar Police Station City Kharar Distt. SAS Nagar has been cheated of Rs. 15,95,650/- by then in the pretext of sending him to Canada on study visa. All these persons have cheated my, Maheshinder Singh and Yugyad Singh of Rs. 40,24,950/- on the pretext of sending us abroad to Canada on study visa. Appropriate legal action to be taken against Gurpreet Singh owner of English Guru Second Floor SCF No. 31, Phase-10 District SAS Nagar, Hardep Singh and Gurinder Singh Bath. Statement is recorded before you is read and heard is correct. Sd/- Bhupinder Singh Sd/- Maheshinder Singh Sd/- Yugyad Singh.”

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 petitioner and their family.



5. The State's counsel opposes bail and refers to the reply.
6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“ROLE OF THE PETITIONER AND EVIDENCE AGAINST HIM

7. That the petitioner was an active member of a well hatched criminal conspiracy and had duped the complainant and other victims of their hard-earned money of Rs. 40,24,950/- on the pretext of sending them abroad to Canada on study visa. The petitioner namely Hardeep Singh used to prepare fake offer letters and handed over the fake offer letters to the complainant and other victims for causing wrongful gain to themselves and for causing wrongful loss to the complainant and other victims. Furthermore, the Petitioner/Hardeep Singh had also destroyed the relevant documents, laptop, printer etc. to wriggle out of his misdeeds, however section 201 IPC has been duly added in the present FIR.”

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per paragraph 7 of the bail petition, the petitioner has been in custody since 03.01.2024. Per the custody certificate dated 11.01.2025, the petitioner's total custody in this FIR is 11 months and 03 days. Given the penal provisions invoked viz-a-viz pre-trial custody, 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 further pre-trial incarceration at this stage.

8. Although, the petitioner has criminal history, but considering the amount involved and the fact that the complainant is also responsible for giving a handle to the petitioner to cheat him, it is not a case for further pre-trial incarceration.

9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes 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 petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.



11. While furnishing a personal bond, the petitioner 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 petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

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

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

16. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner 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 to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

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

(ANOOP CHITKARA)
JUDGE

14.01.2025
smriti

Whether speaking/reasoned: Yes
Whether reportable: No.