

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20033-2025
Reserved on: 03.07.2025
Pronounced on: 23.07.2025

Harmanjot Singh Daid ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. H.S. Dhaliwal, Advocate,
for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
473	24.10.2024	Zirakpur, Distt. Mohali	316(2), 318(4), 61(2) of BNS and Section 24 of Immigration Act

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

2. In paragraph 9 of the bail petition, the accused declares that he has no criminal antecedents.

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

"1. That it is respectfully submitted here that a complaint bearing no.4384/T/SSP dated 12.09.2024 was submitted by the complainants namely Gurwant Singh and Bhagwant Singh, in the office of Senior Superintendent of Police, SAS Nagar. In the aforesaid complaint, the complainants had broadly stated that Avonjeet Singh (son of complainant Gurwant Singh) and Rajinder Singh (son of the complainant Bhagwant Singh) saw an online advertisement regarding work visa of Australia. The sons of the complainants namely Avonjeet Singh and Rajinder Singh, visited Vintage Point Tour and Travel Consultant (Sub Class 482TSS Visa), SCO 129, Patiala Road, Canara Bank Building, Zirakpur 140603, as per the Mobile No(s). i.e. 77106xxx and 70279xxxx and the location mentioned in the aforementioned advertisement. Their employee namely Navpreet Singh told the sons of the complainant that they would take whole money after granting of visa and they would make payment after checking the genuineness of the visa. The complainants further stated that the deal was struck for Rs.13 lakhs each and a written agreement was also executed by both the parties. As per the aforesaid written agreement, the complainants were asked to open new bank account (i.e. 50100734xxxxx) at HDFC Bank, Boha, to get new cheque book and to start a new sim

number (i.e. 90565xxxx) and to use ATM. Similarly, the documents were taken from Rajinder Singh.

2. That the complainants further stated that after two month, they received a call from the aforesaid accused persons, who told the complainants that their visa had come and told to meet them at Deepak Dhaba on 02.09.2024. The aforesaid accused persons shown them photo of visa on mobile phone and told the complainants to be ready with complete payments. The accused demanded whole amount in cash in order to avoid tax problems. The complainants arranged the payments and contacted them. On 03.09.2024, at about 3 PM to 6 PM three persons came on Deepak Dhaba, Dhanula, District Barnala on Creta Car bearing no. DL-7CS-4982. Out of the aforesaid 3 persons, one was told to be from Australia, other was owner of Agency at Zirakpur and Navpreet Singh, they took the cash payment and the accused persons also handed over an affidavit to the complainants, which was duly sworn on by the present petitioner Harmanjot Singh. When after some days, the complainants checked Visas online, they found the aforesaid Visas as fake. The complainants further stated that they had transferred Rs. 9.5 lakhs in the bank accounts of the accused persons and they had paid balance amount in cash on 6th September at Deepak Dhaba. Thus, the aforesaid accused had duped them of Rs.26 lakhs. Hence, the complainants sought legal action against 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 petitioner and his family.

5. Petitioner's counsel submit that after the registration of present FIR on 24.10.2024. On 01.02.2025, a Panchayat was convened and on Panchayat the complainant was asked to identify petitioner, when the petitioner was present there at that time but complainant failed to identify him which shows false implication. The petitioner had moved a representation before the SSP regarding cheating done to him by the owner of the immigration agency, i.e. by Naveen Bhardwaj. He further submits that there was a request to return the money to Naveen Bhardwaj. The petitioner's last argument is that not even a single penny was received by him from the complainant.

6. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

7. The counsel for the State opposes bail and has referred to paras 3 & 4 of the preliminary inquiry which reads as follows.

“PRELIMINARY ENQUIRY

3. That the aforesaid complaint was marked by the Senior Superintendent of Police, SAS Nagar to Deputy Superintendent of Police, Zirakpur. The

enquiry officer summoned both the parties, however the mobile numbers of the aforesaid accused persons namely Harmanjot Singh and Navpreet Singh were coming switched off continuously. Even their office i.e. Vintage Point & Travel, SCO No.129, Patiala Road, Canara Bank Building, Zirakpur was also found to be locked. During enquiry, the statements of the complainant party were recorded and the complainant also produced a copy of an Affidavit sworn in by the accused Harmanjot Singh/the Petitioner regarding receiving an amount of Rs.13 lakhs from the complainant. The enquiry officer after conducting enquiry found that on 03.09.2024, the accused Navpreet Singh and Harmanjot Singh/the Petitioner reached Deepak Dhaba, Dhanula with an unknown person, where they had received Rs.8 lakhs rupees in cash from the complainants and an affidavit was given by Harmanjot Singh/the Petitioner regarding receiving the amount of Rs. 13 lakhs. On 04.09.2024, the complainant's son Rajinder Singh transferred Rs.5 lakh rupees from the bank account of the complainant Bhagwant Singh, PNB Bank Branch, Budhlada to the account number 565443xxxx as given by Navpreet Singh and Rs.02 lakhs were transferred in the Bank account, which was opened by Avonjeet Singh and the access was given to the accused persons. On 05.09.2024, Rs.2 lakh 50 thousand was deposited in the account of Avonjeet Singh, which were withdrawn by the accused persons. Thus, the accused Harmanjot Singh/the Petitioner in connivance with the accused Navpreet Singh had duped the complainants of Rs.23 lakhs 50 thousand in the name of sending them abroad. Hence, the enquiry officer had recommended to register FIR against the aforementioned Harmanjot Singh/the Petitioner and Navpreet Singh under sections 316 (2), 318 (4), 61 (2) BNS Act and 24 Immigration Act 1983. Upon which, the Senior Superintendent of Police, SAS Nagar had directed SHO, Police Station Zirakpur to register FIR against the accused Harmanjot Singh/the Petitioner and Navpreet Singh. Hence, the present FIR No.473 dated 24.10.2024 had been registered under sections 316 (2), 318 (4), 61 (2) BNS Act and 24 of Immigration Act 1983 at Police Station Zirakpur against Harmanjot Singh/the Petitioner and Navpreet Singh.

INVESTIGATION SO FAR

4. That after registration of the present FIR, the investigation was commenced. During investigation, the bank account statements of the complainants. Copies of fake visas and an affidavit dated 03.09.2024 given by the accused Harmanjot Singh/the Petitioner were taken on record. During investigation, the investigating officer also obtained the rent agreement of the premises, where the aforesaid accused namely Harmanjot Singh/the Petitioner and Navpreet Singh had opened their officer with the name and style of Vintage Point & Travel, SCO No.129, Patiala Road, Canara Bank Building, Zirakpur along with the copies of Pan Card and Aadhar Card of the accused Harmanjot Singh/the Petitioner from the landlord. The perusal of the aforesaid rent agreement shows that the same had been executed between the landlord and the accused Harmanjot Singh/the Petitioner.”

8. It shall be also appropriate to refer to para 5 of the reply, which reads as follows:

“ROLE OF THE PETITIONER & EVIDENCE AGAINST THE PETITIONER

5. That it is humbly submitted here that as far as role of the Petitioner is concerned, it is submitted here that the present Petitioner and the accused Navpreet Singh in a well hatched conspiracy had duped the complainants of Rs.23 lakhs 50 thousand in the name of sending. their sons abroad. The Visas handed over by the accused persons to the complainants are also found to be fake. The present Petitioner is the owner of the agency namely Vintage Point & Travel, SCO No.129, Patiala Road, Canara Bank Building, Zirakpur and the premises in which

the aforesaid agency was opened was taken on rent by the present Petitioner. The investigating officer had taken into police possession the copies of the aforementioned fake visas, Rent Deed, Aadhar Card and Pan Card of the present petitioner. The present petitioner along with his accomplices got open new bank account from the son of the complainant namely Avonjeet Singh, had kept its access with themselves and had withdrawn money from the aforesaid bank account.”

REASONING:

9. It is not a case of merely bank transactions, but providing a fake visa. The petitioner was very well aware of the activities of the co-accused and his stand of being cheated is not substantiated. The investigation points out that proceeds of crime of Rs.23,50,000/- are yet to be recovered. Needless to say that the Court is not a recovery agent, but when the case is not in civil nature but of criminal, then the primary objective of every complainant is not the prosecution of the accused but recovery of their lost money. Thus, it is paramount duty of the investigator to take steps for recovery of the proceeds of crime in criminal cases.

10. In the present case, the investigation conducted so far points towards thuggee and cheating and it is not a case of any civil offence. Given above, the petitioner is not entitled to bail for the reason that the proceeds of crime which was attributed to him have not been recovered. Further, custodial interrogation is required to recover the proceeds of crime which according to the investigator, had been taken by the petitioner.

11. The stand taken by the petitioner in the bail petition does not point towards any preponderance of probability that the petitioner was himself a victim. Even in petitioner's stand that he was cheated by the main accused Naveen would not show that he was not aware or a part of the criminal conspiracy and rather than the enquiry conducted so far points towards the same. The parameters for granting anticipatory bail are entirely different from a regular bail and it's a case triable by Magistrate. Therefore, it is clarified that in case the petitioner is arrested and after that he wants to file a bail, he shall be permitted to file bail before the concerned Judicial Magistrate/Chief Judicial Magistrate, who shall consider his bail after police custody is over. Liberty reserved to come to this Court for regular bail in case of any grievance. However, given the nature of allegations and absence of recovery of proceeds of crime, this court is not inclined to grant anticipatory bill to the petitioner.

12. The sly way the petitioner conned the complainant points out the dangerous trend of the revival of thuggee by revisiting the history.

13. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for anticipatory bail. The impact of crime would also not justify anticipatory bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

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

15. **Petition dismissed.** All pending applications, if any, are disposed of.

**(ANOOP CHITKARA)
JUDGE**

**23.07.2025
Jyoti-II**

Whether speaking/reasoned: Yes
Whether reportable: No.