



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

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1.

CRM-M-54949-2024

Date of decision: 30.01.2025

Vajid Ali @ Santosh Kumar @ Santosh

.....Petitioner

Versus

State of Punjab

.....Respondent

2.

CRM-M-59230-2024

Date of decision: 30.01.2025

Manish Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. J.S. Ghumman, Advocate
for the petitioner in CRM-M-54949-2024.

Ms. Ramandeep Kaur, Advocate and
Mr. Harjot Goyal, Advocate
for the petitioner in CRM-M—59230-2024.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking the concession of bail under Section 483 of the BNSS, 2023 in case FIR No.98 dated 21.09.2024 under Sections 406, 420, 465, 467, 468, 471 of the IPC registered at Police Station Division No.2, District Police Commissionerate Jalandhar.

2. Reply by way of affidavit of Nirmal Singh, PPS, Assistant Commissioner of Police, Sub-Division Central, Jalandhar, has been



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filed in CRM-M-54949-2024, in the Court today which is taken on record subject to all just exceptions. A copy of the same has been supplied to the counsel opposite.

3. Learned counsel for the petitioners submit that they both have been in custody since 22.09.2024 in a magisterial trial and the possibility of the trial concluding in the near future does not arise since charges are yet to be framed after the challan was presented on 21.12.2024.

4. Learned counsel for petitioner-Vajid Ali @ Santosh Kumar @ Santosh, has further submitted that since the entire case of the prosecution hinges on documentary evidence which has already been collected by the investigating agency, further incarceration of the petitioner would serve no useful purpose and there can be no risk of the petitioner tampering with evidence.

5. Learned counsel for petitioner-Manish Kumar, has submitted that the petitioner has not been named in the FIR in question and came to be nominated subsequently in a disclosure statement allegedly suffered by co-accused Vajid, who claimed that the petitioner was his accomplice.

6. A prayer has been made that since 30 prosecution witnesses have been cited, the petitioners be enlarged on bail as it would be a longtime before the trial is concluded.

7. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioners, on instructions from ASI Harpal Singh, has not disputed the custody period of the petitioners nor



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has it been disputed on a pointed query that the petitioners have no previous criminal antecedents. On further instructions, it has not been disputed by the learned State counsel that the investigation in the present case is complete as challan stands presented. However, learned State counsel has reiterated the allegations levelled in the FIR against petitioner-Vajid, which stand reproduced hereinunder:-

“Application No.638-Peshi dated 20.09.2024 seeking registration of FIR by Gurnam Singh S/o Kunan Singh R/o Village Talwandi Bhindran, District Gurdaspur, was received at PS which is reproduced hereunder, "To, Hon'ble Commissioner of Police, Jalandhar. Subject: Application against Agent Santosh Kumar R/o Lucknow, Uttar Pradesh presently R/o Dubai mobile number +971503376161 & against an unknown person for fraud & cheating by giving fake visa on the pretence of securing a Canada tourist visa. I am a resident of Talwandi Bhindran, District Gurdaspur & I have my own clothing shop at Ghuman Market, Village Talwandi Bhindra. I am well known in my village. I have lived abroad in Dubai from 2006 to 2020, where I met Santosh Kumar from Lucknow, Uttar Pradesh presently from Dubai Mobile No. +971503376161. I opened a clothing shop in my village after @Vand coming from abroad in 2020. Santosh Kumar often interacted with me. He had told me during the conversations that he has several travel agents in Delhi, who arrange tourist visas for Canada, if anyone wants to go to Canada on tourist visa, let me know. On which I had a conversation with the people of my village that if anyone wants to go to Canada on a tourist visa, let him know. On which some of my close relatives & my acquaintances of district Gurdaspur asked me to secure a tourist visa of Canada, so I gave a total of 25 passports of my relatives & acquaintances to the boy sent by agent Santosh Kumar to get tourist visas of Canada at various times, from April 2024 till now. The passports & cash were given at a dhaba & tea shop at Patel Chowk, Jalandhar. He sent him copy of visa, which was stamped on passports of 22 persons on his Whatsapp & the photo-stat copies of the same are attached & he also handed over 16 passports on which visa was stamped, one was family visa of four persons namely Sawinder Singh, his wife Simranjit Kaur & two children Ekamjit & Navneet. They had given Rs.25 lacs, two persons of one family had given Rs.21 lacs & three



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persons of one family had given Rs.23 lacs. Apart from this, five persons who got passport with visa stamp on it, also handed over payment to Santosh Kumar. Jagjit Singh had three refusals & he has given Rs.17 lacs, Jarmal Singh had four refusals & he has given Rs.20 lacs, Sahildeep Singh had four refusals, who has also given Rs.20 lacs, Sabeg Singh had two refusals & he has given Rs.17 lacs & Amir Hamza gave Rs.15 lacs. He had also given Rs.21 lacs for the family visa of his daughter Sarabjit Kaur & Jashanpreet & Rs.13 lacs qua his son Harpreet Singh. I obtained this payment by taking mostly cash from the said various persons & transferring it to my Punjab & Sindh Bank Account No.129613000003954 & Account No.12961100000103. I gave the said payment mostly in cash to the person sent by Santosh Kumar. I made some payments to Gurdeep Sharma Account No.669002010004842 in Union Bank of India on request of agent Santosh Kumar at various times. Now I came to know that the passports which he sent to me for Canadian visa were given with fake stickers. Today on 20.09.2024 at 07:00 PM Santosh Kumar sent to me one of his boys & has asked to give the passport of Harpreet Singh & some other passports which have visas affixed. If in the evening at 07:00 PM, if a trap is set at Patel Check Jalandhar, then the boy sent by Santosh Kumar with fake visas passport & cash can be apprehended. So, kindly take legal action. Yours faithfully. Sd/- (English) Gurnam Singh S/o Kunnan Singh R/o Village Talwandi Bhindran, District Gurdaspur Mob: 76579-42581.....”

8. Learned State counsel, on further instructions, has however, not disputed that petitioner-Manish Kumar was not named in the FIR in question nor was any suspicion raised qua his involvement in the crime in question; he came to be nominated subsequently in a disclosure statement allegedly suffered by co-accused Vajid.

9. I have heard learned counsel for the parties and perused the material placed on record.

10. The petitioners have been in custody in a magisterial trial since 22.09.2024. As not disputed by the learned State counsel, the petitioners have no previous criminal antecedents. The trial will take



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considerable time to conclude as 30 prosecution witnesses have been cited. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioners.

11. Accordingly, both the petitions are allowed. The petitioners be admitted to bail on their furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

12. Needless to add, in case the petitioners misuse the concession of bail granted to them, the State would be at liberty to seek cancellation of the same.

13. A photocopy of this order be placed on the file of other connected case.

30.01.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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