

2025:PHHC:098738



CRM-M-28911-2025

230

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

CRM-M-28911-2025

Date of decision: August 04, 2025

Des Raj

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Mr. Anurag Arora, Advocate for the petitioner.

Mr. Baljinder Singh Sra, Additional AG Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case bearing FIR No.0132 dated 24.11.2024, registered for the offences punishable under Sections 406, 420 of the Indian Penal Code, 1860 (for short 'IPC') (Section 120-B of IPC added later on) and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014, at Police Station Division 7, District Police Commissionerate Jalandhar.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“Complaint No.1983-PTM Dated 26.09.23. To Te Commissioner of Police, District Jalandhar. No.1479-P Dated 14.09.2023 Subject:- Regarding committing of fraud of Rs.31,60,000/- by alluring to send abroad. On the above subject Complaint No.6360P.G.D. Dated 28.08.2023 was submitted by Gursimran Singh son of Kuldeep Singh resident of Batnura Kalan Police Station Bholath District Kapurthala against Agent Des Raj Resident of Mithapur District Jalandhar.

2025:PHHC:098738



CRM-M-28911-2025

Investigation of the complaint was got conducted through Deputy Superintendent of Police Sub Division Bholath. From the perusal of report sent by him it is found that during investigation the complainant recorded his statement that "in this regard he has also submitted one complaint to Senior Superintendent of Police Jalandhar (C.P.), the investigation of which is going on in Anti Fraud Staff District Jalandhar (C.P.) and their dealing of money has also done at Jalandhar, therefore his complaint be sent to Anti Fraud Staff District Jalandhar (C.P.)". Therefore on the basis of statement of the complainant this complaint is sent to your office for further necessary action. -SD- (ENG) Senior Superintendent of Police, Kapurthala. Along with Encl: 636-PGD Dated 28.08.2023 from Gursimran Singh along with Statement of Gursimran Singh son of Sh. Kuldeep Singh resident of Bhatnoora Kalan Police Station Bholath District Kapurthala that, "Statement of Gursimran Singh son of Sh. Kuldeep Singh resident Bhatnura Kalan PS Bholath District Kapurthala Aged about 22 Years phone No.62805-63657 stated that I am resident of above said address and I had submitted one complaint against Des Raj Agent resident of Mithapur Jalandhar regarding committing of fraud of Rs.31,60,000/- upon alluring to send abroad and I on the same subject one complaint submitted to Worthy SSP Sahib Jalandhar (CP). That inquiry of this complaint is going on at Anti Fraud Staff Jalandhar of District Jalandhar CP. -SD- (ENG) Gursimran Singh, Attested-SD-(ENG) Deputy Superintendent of Police Sub Division Bholath dated 01.09.2023 and along with Complaint No.2068-DGP dated 21.09.23 on the same subject. To the, Worthy Commissioner of Police, Jalandhar. Subject: Complaint against 1) Des Raj (Mobile No.98559-67082) son of Baldev Raj son of Gurmail Ram 2) Sunita Rani wife of Des Raj both residents of Arora Colony, Mithapur, District Jalandhar presently resident of Kulwant Colony, Lane No.2, Jalandhar regarding committing fraud of Rs.31,60,000/- by alluring to send my son Gursimran Singh to abroad. Sir, It is submitted that: 1. That I am resident of Bhatnura Kalan, Police Station Bholath District Kapurthala. I have two sons. I want to send my son Gursimran Singh to America. 2. That above accused Des Raj and his wife Sunita Rani do the work of sending the people abroad America and these accused demanded from me total expenses of Rs.29 lacsto send my son Gursimran Singh to America. This settlement was done on 26.03.2023 and it was decided that Rs.16 lacs will be taken at reaching Almati country and Rs.12 lacs will be taken upon reaching Maxico. At that time above Des Raj and his wife Sunita Rani took from us copies of Passport and other documents of my son Gursimran Singh and Rs.1,00,000/- in cash. Settlement of this deal was done in the presence of Sarabjit Singh son of Satnam Singh, Malkeet Lal son of Tarsem Lal both residents of Bhatnoora Kalan District Kapurthala and thereafter accused sent my son Gursimran Singh from Jaipur Rajasthan to Almati Kajaskitan country on 02.04.2023. 3. That on 20.04.2023 in the evening after 5.00 PM I along with above Sarabjit Singh son of Satnam Singh and Kuldeep Singh son of Ujjagar Singh resident of House No.892/4 Near Wada Gurudwara Sahib Basti Mithu District Jalandhar went to the house above agent. Where in the presence of above witnesses Agent Des Raj and his wife Sunita Rani received from us Rs.16,00,000/- Sixteen lac rupees cash and this amount was counted by Desh Raj and Sunita Rani and after counting the amount Sunita Rani by putting in her black bag took inside the room and the above Des Raj and his wife Sunita Rani assured us that now they after getting Visas of separate-separate countries from Almati will reach him to America. On

2025:PHHC:098738



CRM-M-28911-2025

the next day on 21.04.2023 the above agent Des Raj given to me one writing as Agreement/Receipt and one cheque No.779932 amounting to Rs.16 lacs Indusind Bank Jalandhar. Photocopy of receipt/agreement is enclosed. Receipt of handing over money is with me, which I would present as evidence if need so arose. 4. That on 16.05.2023 the above Agents sent my son Gursimran Singh to Dubai from Kazakhstan Almati and then on 05.06.2023 sent my son from Dubai to other cities of Azarbhaj Jaan Country. Where the above agents sent my son to their known persons and my son of one month Visa of other countries and the above agents told us that we have arranged visa of Maxico of your son from Baku and you gave Rs.12,60,000/- at the 14 earliest. On the demand of above agents, we on various dates sent Rs.12,60,000/- to above agents. Receipts of which are enclosed. Out of this amount Rs.5,00,000/- I got transferred from account No.09371000001029 Punjab and Sind Bank Branch Kangpur District Jalandhar on 22.06.2023 through NEFT and thereafter I from my above Bank account transferred Rs.1,30,000/- through NEFT dated 06.07.2023. That on my asking the above witness Sarabjit Singh got transferred sum of Rs.1,50,000/- on 26.06.2023 from his Saving Bank Account No.03529200001378 of YES Bank Branch Begowal District Kapurthala and on 27.06.2023 sent Rs.1,50,000/- through Google Pay to accused. Thereafter my above witness Sarabjit Singh on my asking got transferred Rs.3,30,000/- on various dates through Google Pay to the above agents. In this manner accused received total amount of Rs.29,60,000/- from us. I have arranged the above amount from my Punjab and Sind Bank Bhogpur District Jaldnagar by mortgaging my agriculture land with Bank and by taking limit/loan and by taking gold loan from above Bank on the name of my wife Balwinder Kaur, arranging the remaining amount had been given to the accused. After receiving whole amount accused started saying that now will arrange flight of my son from Baku Airport to Mexico. But the Visa which the above agents got of my son from Baku to Maxico that was duplicate and forged because my son was apprehended by police of Baku City of AjarbhajJaan country and where the police gave severe beatings to my son and tortured. My son told us about the fraud committed by the accused on phone and also told that accused want to send me to Mexico on forged and frivolous Visa (copy of the forged and frivolous Visa and enclosed) and thereafter I purchasing ticket of Rs.40,000/- from my own expenses sent my son Gursimran Singh and my son return after facing harassment. While going abroad my son had taken along Rs.2,000 American Dollar with him, which comes to Rs.1,60,000/- that too has been snatched by the persons of above agents from my son. 5. That after returning to India met to above accused. When they did not listen, then we convened 2/3 Panchayats and gathered respectable persons. Then the above cheque No.779932 which was given by above accused, the accused Desh Raj by filling that in complete manner on 14.07.2023 amount of Rs.16 lacs Indusind Bank B/o Mall Road Model Town Jalandhar issued to me and told that remaining amount Rs.15,60,000/- will be returned to us shortly. When we submitted the cheque given by the above accused Des Raj in our Bank, then due to insufficient balance in the account of above account the cheque was bounced. In this regard when we met to accused and talked about to return the money then accused assured us that you submit the above cheque again in the Bank, you will get your money. On the asking of accused the above cheque was again presented in the bank then again due to insufficient funds in the Bank account of accused the cheque was

2025:PHHC:098738



CRM-M-28911-2025

bounced. 6. That we again met the above accused and informed about the cheque bounce and demanded our money but this time accused clearly told us that we will not return your money, where you have approach, do so, and Sunita Rani wife of above accused Des Raj threatened us that if you again entered in our house then will get register false case against you. 7. That the above accused in connivance with each other by preparing forged and fabricated documents/Visa within intention to benefit them in illegal manner and to cause me loss have committed fraud with us of Rs.31,60,000/- and duped my hard eared money. Therefore it is requested that for committing of fraud by alluring to send abroad after registration of case under the appropriate sections for committing manipulation, forgery and fraud against above accused, justice be done to me. I shall be highly thankful to you.”

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 04.01.2025. Learned counsel has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further iterated that earlier a settlement had also been arrived at between the parties, but the same could not fructify due to circumstances beyond the control of the petitioner. Learned counsel has further urged that an application under Section 351 of the BNSS/ Section 319 of Cr. P.C. has since been filed for summoning additional accused, and hence, culmination of the trial will take long.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 03.08.2025 in Court, which is taken on record.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

2025:PHHC:098738



CRM-M-28911-2025

6. The petitioner was arrested on 04.01.2025 whereinafter investigation was carried out and challan was presented on 05.03.2025. Total 15 prosecution witnesses have been cited, whereinafter, 02 stands examined and 01 stands examined partly. The trial will obviously take its own time. Further, the trial emanating from the FIR in question is magisterial in nature. The rival contentions raised at Bar give rise to debatable issues shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest 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.

6.1. As per custody certificate dated 03.08.2025 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 06 months and 27 days. Further, as per the said custody certificate the petitioner is stated to be involved in 02 more cases. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. 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 v. State, 1998 (2) RCR (Criminal) 477*** & judgments of this Court in CRM-M

2025:PHHC:098738



CRM-M-28911-2025

No.38822-2022 titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. 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 case.

7. In view of above, the present 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 cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the CJM/ Duty 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.

2025:PHHC:098738



CRM-M-28911-2025

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

August 04, 2025
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No