



2025.PHHC.040929



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

102

CRM-M-12948-2025

Date of Decision : **March 26, 2025**

JASDEV CHAHIL

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present : Mr. Yadwinder Singh, Advocate for the petitioner.
Mr. B.S.Virk, Sr. DAG, Haryana.
Mr. Satish Saini, Advocate for the complainant.

SANDEEP MOUDGIL, J. (Oral)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS seeking pre-arrest bail in case FIR No.50 dated 03.03.2024 (Annexure P-1), under Sections 420, 406, 120-B IPC, registered at Police Station Hansi Sadar, District Hisar, Haryana.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“09-EOW 06-01-2024 S.P. Office Hansi Diary No. 27-PESHI Date 15-1-24 I/C EOW Verify take N/A report Sd Superintendent of Police HANSI To, Superintendent of Police district Hansi (Hisar) Haryana Dated 15.1.2024 Subject:- Fraud, mental harassment and death threats in the name of sending abroad Sir, I Rajinder Kumar son of Jabir Singh, son of Chandulal, resident of village Masdupur, tehsil Hansi district Hisar is writing to you regarding the fraud, deceit, mental harassment and death threats I have experienced and to

request the registration of an FIR. The accused is Hardeep Singh son of Shamsher Singh village Dharidi (Jind). And other individuals involved are Hardeep's father Shamsher Singh, Hardeep's wife Sarddha, Naresh son of Gyani village Kinnar, his associate Sonu, village Jheel 9058588561 and Amandeep Singh Deol, Jasdeep Chahal. I expect appropriate action from you. The details of the fraud and deceit committed against me along with all evidences are as follow My brother Rajesh and I wanted to go abroad and had been trying for many days meanwhile we spoke to the husband of my mother's aunt's daughter whose name is Naresh son of Gyaani village Kinnar (Gabi Nagar). Since we wanted to go abroad, he told that his sister's husband (uncle's daughter) Hardeep Singh son of Shamsher Singh village Dharodi Jind arranges for people to go abroad. He also told us that Hardeep has sent many children abroad. Naresh was related to us so my father and I keeping the relationship in mind thought he was a known person and since we are relatives we could trust him. Naresh assured us that Hardeep does good work. Trusting Naresh we did not inquire anywhere else. We spoke to Hardeep through Naresh, we did not know Hardeep directly. Our conversation was through Naresh and he was responsible for it. At Naresh's request we gave all the documents to Hardeep. Hardeep's wife and his father were aware of this. The whole family knew that we were getting this work done through Hardeep. Hardeep's wife was also in the middle of the conversation. Hardeep's father also has assured that there would be no problem. The conversation was about Australia visa, in which Hardeep said that he would get the visa in 20 to 25 lakhs. We wanted to get a study or work visa while Hardeep set that he would get a tourist visa from here and then it be converted to work or study visa there. Initially we did not agree to this but agreed after Naresh's assurance and taking responsibility for everything. Naresh told us that he would be responsible if anything went wrong. My maternal uncle Sandeep son of Satpal village Kakrod and Sarandeep Ajay village Kakrod are witnesses to this. On 22.3.2023 Hardeep called and said that he would get the visa in a day or two. When asked how the visa would be issued so quickly, he said that it was his responsibility to do the right thing. After that we spoke to Naresh who said there was no need to worry. On 20/5/2023 Hardeep sends the visa of me and my brother. We were happy to see

the visa. We had no idea that the visa could be fake. We trusted Naresh and Hardeep and believed them. After that, Hardeep asked us for full payment in cash. After talking to Naresh, we managed to arrange Rs. 23 lakhs in Hardeep's account and gave rupees 20 lakhs in cash to Hardeep at his house in the presence of his wife and father. The money was deposited in the accounts of Hardeep's associates at his request. At Hardeep's request we deposited money in 3 different accounts which belong to his associates who work with him. First my brother Rajesh deposited Rs. 10 lakhs in the account of Amandeep Singh Deol. Secondly my maternal uncle deposited Rs. 5 lakhs in account of Sonu resident of Jheel, and also deposited Rs. 5 lakhs in account of Jasdev Chahal. Apart from this my maternal uncle deposited 2 and a half lakh rupees directly from his friend into Jasdev Chahal account. In addition, we deposited Rs. 50,000 online through Google Pay which is in the account of Saradha Hardeep's wife. We deposited all this money in their account at Hardeep request, the proof of which we are attaching with this application. After this Hardeep sent me and my brother Rajesh tickets which were fake. The first ticket he gave was on April 1st 2023 from Delhi to Melbourne Australia. He kept us in Delhi for 3 days saying that the flight would be tomorrow, it would be at night. He wasted 3 days like this. After that we came back home. Hardeep made us spend about Rs. 50,000 there which he said he would return. Then he kept saying he will get it done tomorrow or day after that. In this way he wasted whole 1 month. After that, he sent another ticket on 6/5/2023 which later turned out to be fake. That day also we were ready. After this, we pressurised Hardeep to return our money. Then on 14/5/2023 we went to Hardeep with Naresh. His father and his wife were there who were also involved in this work. Amidst all this we told them that our work was not being done so they should return our money so that we can get the work done from somewhere else. They assured us that our work would be done in this month and if it wasn't then they would return our money. We told him that our work was not being done so he should return our money so that we can get the work done from somewhere else. They assured us that our work would be done in this month and if it wasn't then they would return our money. Then we went to Hardeep who was in Bathinda on the same day first when we started pressurising Hardeep to return our money Naresh said to

give him a weeks' time at his behest. Then we said who would take the responsibility for the money if he didn't get the work done in a week. Then Naresh said that if he didn't get the work done in a week, we could take the money from Naresh's shop (which is in Kehri up tehsil}. We agreed to this. During this conversation, me, my uncle Sandeep Sharandeep, and driver gadgu were also present. We returned from their place on Naresh's word. As there was pressure on Hardeep he got the ticket for my brother Rajesh done on 22/5/2023. Naresh himself informed us about this over the phone first and later Hardeep send the ticket. That day we said that if Hardeep missed the flight even today, we would not leave without taking the money. To this both Naresh and Hardeep agreed. That day Hardeep asked my brother to delete all his WhatsApp chat from his phone which made us suspect that something was wrong. We asked Hardeep why he was doing this, to which he said that it was nothing to worry about. Hardeep said that he had talked to immigration and that his man was there, that would take care of everything. We also told Naresh that we felt something was wrong to which Naresh said that don't worry nothing will happen. After that my brother took a flight from Delhi. As soon as the flight took off Naresh called and said that nothing was wrong and that Hardeep's wife had also called and said that everything was fine and there was no problem. We were also happy because for the first time Hardeep had got the tickets correctly done. His flight had 5-hour layover in Bangkok Thailand. When my brother called Hardeep after reaching there Hardeep said wait don't board the next flight yet, my man will come to you and get everything done. As he waited the flight time kept approaching but Hardeep did not allow him to go ahead. Then my brother had to get an on-arrival visa. After that my brother slept on the airport that day. Hardeep kept saying that he was getting the ticket done in an hour but another day passed by. From India arrangements were made online for a hotel for my brother and he stayed there, but Hardeep did not arrange anything for him. Hardeep said that he would pay all the expenses. 3 days passed but Hardeep did not get the tickets done. One of Hardeep's man was also in room with my brother and he kept an eye on my brother at all times. Whenever there was an attempt to talk to my brother he would stand outside the window and listen. There was a fear for my brother's life there. Hardeep did not

get any tickets done. My brother started feeling unwell he started fearing that Hardeep might do something to him there. The next day, another man of Hardeep came and Hardeep told him to get the tickets done and send him away. My brother's ticket from Delhi was booked for that day because Hardeep was not getting the ticket for Australia done and that my brother was getting tensed and his health was deteriorating there. Even that day, Hardeep told us to give him one more day, he would get the ticket done for the next day. On Hardeep's saying the tickets were not cancelled. Then Naresh called my father and told him to stop for the day on his words and if the work was not done he himself would return the money. On his word my brother was stopped for another day. It would have been one or 2 days but Hardeep did not get the tickets done. Then my brother called and said that he was very scared there because of the actions of Hardeep's men there did not seem right and he felt that there was a danger to his life so at that time the return ticket for my brother was arranged and he was called back. Hardeep was not told about this ticket because his men were there so they could do anything to my brother. After my brother came back from there, Naresh was called and asked to return the money to which Naresh said that the money would be returned Hardeep said that he would pay the money in 10 days. A month passed Hardeep has not given the money. Hardeep stopped answering the phone. Then we told Naresh that since he had taken the responsibility, he should get our money back because Hardeep as he is not answering our calls. We held a Panchayat at Naresh's house several times but Naresh did not put pressure on Hardeep. Since Naresh had taken the responsibility for our money it was necessary for us to hold up panchayat at Naresh's house. Naresh said in the panchayat that he would talk to Hardeep and get our money soon. We went to Hardeep's house with panchayat 2 or 3 times but Hardeep was never there, nor did we get any answer. We also spoke to his wife and father because they were also involved but it was in vain. No one was responding. Hardeep started threatening on phone, saying do whatever you can I am not going to pay or do the work. Then we had a meeting at Naresh's house, where Hardeep told Naresh that it was okay he would meet and pay the money. He asked us to come to his flat in Chandigarh. We didn't know he had a flat in Chandigarh. We met him in Chandigarh but he wasn't there either

that day. Vinod from Naresh's house had come with us and Vinod called Hardeep, who said he had gone to Delhi for some work. However, we found out that Hardeep was lying and he was at his home in village the Darodi at that time. So, we went to his house unannounced, and he was sleeping. We told his father and his wife who were overall involved in the money matter to return or money and that we didn't want anything else. Hardeep said that he had given all the money to Amandeep Singh Deol his partner. Hardeep said he would meet in Bathinda. Hardeep's father set to take him along and find out if he was telling the truth about Aman being there or not. We took Hardeep with us from there to Bathinda but Aman was not there then we brought Hardeep back to his house and asked his father and his wife to pay our money. They asked us for 15 days to return our money. Now Hardeep is not answering the phone and Naresh is also not responding. We need to recover 46 lakhs rupees from Hardeep which includes 23 lakhs in the account 20 lakhs in cash and Rs. 2 lakhs for Bangkok expenses that he had said he would be and Rs. 1 lakh for expenses we incurred in Delhi. We need to recover all the money that we gave to Hardeep and spend at his request. I hope that all the money we gave and all the expenses that Hardeep said he would pay will be recovered for us and appropriate action will be taken against Hardeep and his wife Sardha, his father Shamsher, Naresh, Amandeep his partner, Sonu his partner and Jasdev Chahal his partner. Action should be taken against all of them so they do not deceive anyone else. I hope that you will take action as soon as possible so that no other child's future is jeopardised and no one's life is ruined. I expect prompt action thank you SD Rajendra Singh Rajendra Kumar village Masoodpur, tehsil Hansi district Hisar Haryana 125049 mobile number 9306151009 9466612918 Javeer SHO Cortana Hasb Ahmed, after investigation economic offences wing Hansi upon receiving the complaint at the police station, the accused will be charged under sections 420 /406 IPC. If any wrongdoing is found, a case will be registered and aforementioned sections will be applied. A copy of the police report along with the original complaint and investigation report has been handed over to me. For the action will be taken as necessary. The first information report (FIR} copies after being computerised will be sent via mail to the area magistrate and higher authorities for their service full the

case is being registered in the presence of SI Ramesh Chandra number 1593/HSR.”

3. Contention

On behalf of the petitioner

Learned counsel for the petitioner contends that the allegations *qua* the present petitioner is that out of total amount of Rs.23 lacs paid by the complainant through bank transactions on the asking of Hardeep Singh in lieu of sending him and his brother to Australia, out of the same amount, a sum to the tune of Rs.7.5 lacs was transferred in the bank account of the present petitioner by the maternal uncle of the complainant by way of two bank transaction, now the petitioner is ready to return back the said amount. He would submit that the petitioner is also ready and willing to join the investigation.

On behalf of the State and Complainant

The learned State counsel has vehemently opposed the grant of concession of anticipatory bail to the petitioner. Learned counsel for the newly added respondent No.2-complainant, who is in consonance with the proposal accepts the same to the effect that the petitioner will pay a sum of Rs.7.5 lacs back to the complainant and he has brought demand draft bearing 503796 dated 10.3.2025 to show bonafide intention, copy of which is taken on record as document A. The said demand draft has been accepted by the learned counsel for the complainant on behalf of his client having instructions for the same and is not opposed to the facts and circumstances of the present petition as well.

4. Analysis

In the light of the above, wherein the parties are, in principle ready for the settlement of the dispute and in the above unfolded circumstances before this Court, there is no cogent reason before this Court to enforce the custodial interrogation of the present petitioner.

5. Relief

In the light of above, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction for the reason that custodial interrogation of the petitioner is not required as it would be of no fruitful purpose to put the petitioner behind the bars. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week and comply with the aforesaid condition under Section 482(2) of BNSS, 2023, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

March 26, 2025
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No