

**In the Court of Dr. Sushil Bodh,
Chief Judicial Magistrate, Jalandhar**

CNR No. PBJL030301292025



Case No. CHI/1613/2025

Presented on : 16-07-2025

Registered on : 16-07-2025

Decided on : 10-06-2026

State of Punjab

Versus

Munish Mangotra son of Shri Piara Lal, resident of village Bariar, PS
City, Gurdaspur

. . . . Accused

FIR No. 101 dated 30.05.2018
Under Section:- 406, 420, 120-B of IPC and
Section 13 of PTPR Act, 12 Passport Act,
P.S. Division No.6 Jalandhar

Present: Shri Bhanu Partap Singh, APP for the State
Accused on bail represented by Sh.B.P. Ralh, Advocate

JUDGMENT:

1. Above named accused was sent to Court by Station House Officer, P.S Division No.6, Jalandhar to face trial for commission of offence punishable under Sections 406, 420, 120-B IPC, 12 Passport Act, 1967, 13 PTPR Act, 2014.

2. Brief facts of this case are that on 30.05.2018, ACP Samir Verma was present at Sutlej Chowk, Jalandhar in connection with checking duty, where he received a secret information that in the buildings

constructed near the Bus Stand, Jalandhar PS Divn. No.6, Jalandhar some persons are running travel agencies, IELTS Coaching center, Study Visa, educational consultancy guidance centers, Immigration and Air ticket business illegally without having any license, and such persons are cheating the innocent people by receiving huge amount without any receipt on the pretext of sending them abroad and to obtain visa and kept their original passport and certificates, on the basis of which, they used to blackmail innocent persons. The said persons are doing such practice without obtaining any license from competent authority. The owners of the said offices did not sit in the offices and for said purpose they employed workers, as such, they are doing illegal business. The said persons were named as Surjit Singh, Balraj Singh, Balwinder Singh, Meenu, Jatinder Kumar, Raja Thakur, Vijay Kumar, Sandeep Singh, Som Nath, Munish Kumar, Paramjit Lal, Varun, Ravi Parkash, Naresh Kumar, Pardeep Puri, Sanjay Sharma, Lovedeep, Ramandeep Singh, and Rajneesh Sharma. During investigation, accused Munish Mangotra was arrested from office of EDU Advisor Business Center, AIG Building, near Bus Stand, Jalandhar on 30.05.2018 by Baljinder Singh, ACP West, Jalandhar, and accused was found to have working without any license and the said fact was verified from the office of Deputy Commissioner, Jalandhar. Statements of witnesses were recorded. Earlier a joint challan against all the above said accused was presented before the court after concluding the investigation, however, later on, a separate challan against present

accused was filed before the court in view of order of the Hon'ble High Court passed in CRM-M-9515 of 2025.

3. Copies of challan were supplied to accused free of costs. Finding a prima facie case against accused, he was charge sheeted under Section Section 13 Punjab Travel Professional Regulation Act, 2014 to which accused pleaded not guilty and claimed trial.

4. In order to prove its case against accused prosecution examined ASI Sikandar Lal as PW1, ADCP-1 Sameer Verma as PW2, Amarpreet Singh, clerk DC Office, Jalandhar as PW3, ASI Malkiat Singh as PW4, retired ACP Dharampal as PW5, and Balwinder Singh as PW6. Thereafter, prosecution evidence was closed by the learned APP for the State.

5. After closure of prosecution evidence, statement of the accused u/s 313 Cr.P.C. was recorded wherein all the incriminating circumstances appearing in the prosecution evidence were put to him which he denied and pleaded his false implication. Accused opted to lead evidence in defence, but did not examine any witness and closed his defence evidence.

6. I have heard the learned APP for the State, Learned defence counsel and perused the record.

7. Ld. APP for the State argued that prosecution has duly proved its case beyond the shadows of reasonable doubt while examining the

material witnesses who deposed against the accused. He relied upon the statements of PW1 to PW6, who deposed on the lines of the case of the prosecution against the accused. So, by relying upon the testimonies of prosecution witnesses, he prayed for maximum punishment for the accused.

8. On the other hand, ld. defence counsel argued that prosecution has miserably failed to prove its case beyond shadow of reasonable doubt and accused has been falsely implicated in the present case. He further argued that no independent witness was joined by the Investigating Officer. He further argued that there is nothing on record against the accused to connect him with the alleged offense. So, he prayed that accused may kindly be acquitted of the charges framed against him.

9. I have considered the respective contentions of learned APP for the State, learned defence counsel and have carefully gone through the case file. The following point is found for determination in this case:-

Whether on or before 30.05.2018 accused was running a travel agency in violation of the provisions of Punjab Travel Professional Regulation Act?

10. After hearing the respective submissions of learned APP for the State, learned defence counsel and perusal of record, it transpires that the present case was registered on the basis of ruqa sent by ACP Sameer Verma PW2 who deposed on the lines of the ruqa sent by him and further

added that he sent ruqa copy of which is Ex.PW2/A on the basis of which F.I.R. Ex.PW2/B was registered. He further deposed that after scribing of ruqa Ex.PW2/A and handed over the same to HC Hakumat Rai for registration of FIR. In the meantime, he informed through control room to Sr. Officers about the above said case after that on the directions of the Sr. Officers the then ACP Deepika Singh, CAW, Jalandhar, Balwinder Singh, ACP West, Jalandhar, Manpreet Singh, ACP Cant, Jalandhar and Satinder Chadha, ACP Central Jalandhar along with police force came at the spot. Then he informed about the accused persons those run illegal business of travel agent and also informed them about the raid. After that on the directions of the then DC Jalandhar, Civil officials of Administration also came at the spot. Then the teams were constituted and conducted raid over the various offices of Travel Agent. In the present case, remaining investigation was conducted by the then ACP, Baljinder Singh. During his cross examination, he admitted that nothing incriminating was recovered from the accused. No private person in this case has come forward and deposed against the accused regarding any travel agency business done by accused and as per the investigation no private person has given statement to him.

11. PW1 ASI Sikandar Lal deposed qua deposit of case property with him by the Investigating Officer on 31.05.2018, regarding which he made entry in register no.19. During his cross examination he deposed that nothing incriminating from the possession of Munish Mangotra was

recovered as per record. He did not know the facts of the present case.

12. PW3 Amarpreet Singh, Clerk, DC office, Jalandhar brought the summoned register i.e. dispatch entry register, as per which they sent one letter to ACP, Model Town, Jalandhar regarding verification of travel agent Mark A and their office received letter from PS Model Town, Jalandhar bearing no. 247-5P dated 08.04.2019 for verifying the license of travel agent and as per record Munish Mangotra at Sr. No.1 on the report prepared by their office that he had not allot any license of travel agent and same is Ex.PW3/A. During his cross examination, he deposed that he has not seen any letter given by the police authorities to the D.C. office. He has no record regarding any such alleged letter Ex.PW3/A, which is only a photocopy, and the original of the same is not on the judicial file. He is also not in possession of Ex.PW3/A.

13. PW4 ASI Malkiat Singh deposed qua arrest of accused Munish Mangotra by Investigating Officer ACP Balwinder Singh on 30.05.2018 vide memo Ex.PW4/A, and conducting of his personal search vide memo Ex.PW4/B. During cross examination he deposed that he cannot tell about the facts of the case and why the accused persons were arrested. Nothing recovered from the possession of accused which shows that he was working as a travel agent.

14. PW5 Retired ACP Dharampal deposed that on 07.04.2019 he was posted as ACP of Model Town, Jalandhar and on that day investigation of this case was marked to him. On 08.04.2019 he got

verified the consultancy and travel agency license qua 4 accused mentioned in his request letter and after that he received the report from the office of D.M. Jalandhar that Munish Mangotra had not issued any license of travel agent, air ticket and IELTS center, which is Ex.PW3/A. During cross examination, he admitted that nothing recovered from the possession of accused in his presence. He further admitted that apart from letter issued to DC office for verifying the license, he had not conducted complete investigation.

15. PW6 Balwinder Singh, the then ACP deposed that qua receipt of information from control room about the persons who run their office near Bus Stand, Jalandhar without license of travel agent and allured and cheated the general public by showing them as genuine travel agent license holder. Then he along with police party went to the spot, where Sh. Sameer Verma along with police party were already present at Satluj Chowk, Jalandhar, where after getting the information, he along with Inspector Navdeep Singh and other police officials went to the office Unit No. 207, GTKL Group, Travel Agent, near Bus Stand, Jalandhar where Munish Mangotra was present and he arrested him vide memo Ex.PW4/A and conducted his personal search vide memo Ex.PW4/B. During his cross examination, he deposed that he cannot tell about the facts of the case and why the accused persons were arrested. Nothing recovered from the possession of accused which shows that he was working as travel agent.

16. In order to prove the charge against the accused, the prosecution is required to prove on record that accused was running a travel agency without any permit or license. As per Punjab Travel Professionals Regulation Act, the "travel agent" means a person doing the profession which involves arranging, managing, or conducting affairs relating to sending persons abroad or which arise out of the affairs of persons sent to a foreign country, except for carrying out the business of recruitment being governed under the Emigration Act, 1983 (Central Act 31 of 1983), and shall include all or any of the following, namely:-

- (a) processing of applications for or relating to grant of passport or visa, or
- (b) acting as an agent for a company, firm or such type of bodies or entities for
 - (i) selling air travel tickets; and
 - (ii) providing means of transportation for travel to a foreign country by land or sea; or
- (c) providing consultancy visa service or guidance to the persons intending to go abroad for-
 - (i) acquiring education;
 - (ii) undertaking a pleasure trip as a tourist or traveler;
 - (iii) getting medical treatment;
 - (iv) arranging cultural entertainment or musical shows;
 - (v) spreading or preaching religion; or
 - (vi) participating in sports tournaments or events; or
- (d) giving an advertisement or publicity, which relates directly or indirectly to any field of travel to a foreign country by means of publication, transmission, communication or

internet; or

(e) holding of seminars or delivering of lectures to promote emigration or rendering assistance for such purposes; or

(f) arranging matrimonial alliances and adoptions for the purpose of emigration; or

(g) arranging travel of any person from India to abroad for any purpose whatsoever; or

(h) acting as freelancing type tout for any of the purposes mentioned in clauses (a) to (g).

17. Further, Section 3 of the Act provides that “Regulation of profession of a travel agent.- No person shall undertake the profession of a travel agent unless he obtains a license under and in accordance with the provisions of section 4 of this Act.”

18. None of the above said ingredients of travel agent or consultancy business have been proved on record by the prosecution and mere receiving of secret information by the Investigating Officer, and conducting of raid at the premises of the accused which lead to non recovery of any incriminating document from the possession of accused, does not make the case of the prosecution under the said Act. Though, the learned APP for the State has relied upon the copy of letter of DC office Ex.PW3/A to support his arguments that from the said document, it is proved that the accused was running a travel agency without having any license. However, this court is of a view that mere exhibition of a document on record does not prove the document itself. Further,

documents Ex.PW3/A is the photo copy, original of which is not produced in the court. Said document is exhibited in the statement of PW3 Amarpreet Singh, Clerk who testified that the said letter was issued by office of Deputy Commissioner, but during his cross examination he has not seen any letter given by the police authorities to the D.C. office. He has no record regarding any such alleged letter Ex.PW3/A, which is only a photocopy, and the original of the same is not on the judicial file. He is also not in possession of Ex.PW3/A. As such, said original document is not seen the light of the day. So, a copy of the document cannot be read into evidence without producing original thereof. Moreover, the said witness has not stated that who has issued the said letter, and whose signatures are appended thereon. In such circumstances, the letter Ex.PW3/A is not proved on record as per the provisions of law. However, if just for the sake of arguments, it is presumed that the said letter is proved on record in which it is mentioned that no license was issued to accused for running a travel agency, yet, the prosecution has not been able to prove on record that the accused was running a travel agency. Further, the oral evidence led by the prosecution in the shape of PW1, PW2, PW4 to PW6 is not sufficient to prove on record that the accused was running a travel agency. Even the said witnesses during their cross examination admitted that no incriminating document was recovered from the accused. Further, PW2 on whose statement present F.I.R. was registered during his cross examination stated that nothing incriminating was recovered from

the possession of accused. Further PW6 Balwinder Singh, who allegedly arrested the accused vide memo Ex.PW4/A, during his cross examination stated he cannot tell about the facts of the case and why the accused was arrested. He further stated that nothing recovered from the possession of accused which shows that he was working as travel agent. So, there is nothing on record that the accused was running a travel agency for which license is required. As such, the prosecution has failed to prove the offence under Section 13 of the Punjab Travel Professional Regulation Act, 2014.

19. In view of the aforesaid discussion, it is held that the prosecution has failed to prove its case beyond shadow of any reasonable doubt. Accordingly, accused Munish Mangotra stands acquitted of the charge framed against him. His bail bond and surety bond stand discharge. Case property be dealt with as per rules. File of this case be consigned to the Record Room after due compilation.

Pronounced in open Court.
On 10.06.2026

Krishan

(Dr. Sushil Bodh) PCS
Chief Judicial Magistrate,
Jalandhar/UID No.PB0347