



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

219**CRM-M-14127-2026****Date of decision : 14.07.2026****Date of uploading : 14.07.2026****Aarti Sindhu****.....Petitioner****Versus****State Of Haryana AND ANOTHER****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. G.C. Shahpuri, Advocate for the petitioner.

Ms. Priyanka Sadar, Senior DAG, Haryana.

Mr. Aman Gautam, Advocate for the complainant.

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 FIR No.439 dated 21.10.2024 under Sections 406, 420 of the IPC and Sections 10 & 24 of Emigration Act, 1983, registered at Police Station Pundri, District Kaithal.

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

"At present, a complaint bearing No. 2111-PESHI dated 06.09.2024, 600-5P Dt. 19.10.2024, was received through post from the office of the Superintendent of Police, Kaithal, after inquiry from Economic Cell Kaithal vide Memo No. 234-EOW dated 07.09.2024 at Police Station Pundri. The gist of the complaint is as follows: To, The Superintendent of Police, Kaithal. Subject: Application against (1) Aarti Sandhu daughter of Shri Satveer Singh, (2) Yogesh son of Shri Satveer



Singh, (3) Sudesh son of Shri Unknown, uncle of Aarti, Office Best Visa Consultancy, near Bus Stand, Yamunanagar, Mobile No. 98969-68725, 7015682228, 9971399197. Respected Sir, the applicant respectfully submits as follows: 1. That the applicant Iqbal Singh son of Shri Gurmej Singh, resident of Village Farl, District Kaithal, is a permanent resident and a law-abiding citizen and is engaged in agricultural work. 2. That the applicant's son Hoshiyar Singh was preparing to go abroad. In June 2023, the applicant's son saw an advertisement in which an offer regarding sending persons abroad was given. The applicant's son contacted the mobile number mentioned in the said advertisement, whereupon they informed that they had an office at Yamunanagar in the name of Best Visa Consultation and asked him to come to the office along with his passport. After 3-4 days, the applicant's son went to Yamunanagar to the office of the accused persons carrying his passport, where he met accused Nos. 1 and 2, who told the applicant that they would arrange a New Zealand visa for him within 10 days and send him abroad. in which approximately Rs. 16,00,000 would be required as expenses and before the commencement of the work you would have to deposit half of the amount and the remaining amount would have to be paid later. Upon this, when the applicant's son raised an objection to paying advance money, accused No. 1 stated that they would first get the visa issued and only thereafter take the payment from him. The applicant's son agreed to their statements and handed over his passport and asked them to start the work. 3. That the accused persons sent a PDF of the visa to the applicant's son on 28.06.2023 and stated that first he should send Rs. 3,00,000 for the air ticket. Accordingly, on 20.07.2023, the applicant's son transferred Rs. 3,00,000 from his account No. 759202010003368 to the account No. 69250100007997 of the accused persons. Thereafter, the accused persons again called the applicant's son and demanded Rs. 7,00,000 for further processing, upon which the applicant's son on 25.07.2023, sent Rs. 6,00,000 to the said account of the accused persons through RTGS. After some time of sending the money, when the applicant's son inquired from the accused persons about the progress of his work, the accused persons stated that his work was in process and that they would send him abroad after a few days. 4. That after a few days, the accused persons again called the applicant's son and asked him to pay the remaining amount. Upon this, the applicant and the applicant's son raised an objection and told the accused persons that they would pay the remaining amount after the applicant's son reaches abroad, as had been agreed between them. However, the accused persons put pressure upon the applicant and threatened that until the full payment is made, they would not send the applicant's son abroad. Accused No. 1 stated that accused Nos. 2 and 3 would come to Pipli to collect the remaining money, and accordingly on 03.08.2023 accused Nos. 2 and 3 reached Pipli near PNB Bank, whereupon the applicant and his son paid them Rs. 3,00,000 in cash. 5. That accused No. 1 asked the applicant's son on the telephone to arrange the remaining amount so that his work could be completed quickly, and accordingly



the applicant and his son on 05.08.2023, transferred Rs. 2,00,000 into the said account of the accused persons through RTGS. Accused No. 1 told the applicant's son to give the remaining amount at Karnal while proceeding to the airport. On 07.08.2023, while going to the airport, the applicant's son met accused Nos. 2 and 3 at the Gurudwara at Karnal Bypass and paid them Rs. 1,50,000 in cash, and regarding the remaining Rs. 50,000, accused No. 1 stated that the remaining Rs. 50,000 could be paid later. Two boys, namely Vikas son of Subhash, resident of Village Chanarthal, Kurukshetra, and Harsh son of Satish Kumar, resident of Village Khanpur Kolia, District Kurukshetra, were also taken along with the applicant's son. The accused persons stated that these persons would also go abroad along with him, and the accused persons accompanied them from Karnal to the airport. 6. That at about 7.00 PM in the evening, upon reaching Delhi Airport, the remaining amount of Rs. 50,000 was sent to the account of accused No. 4 through Google Pay. Thereafter, accused No. 1 handed over the passport and documents to the applicant and, after sending them inside the airport, all the three accused persons returned. After the applicant's son went inside the airport, when the documents of the applicant's son and the other two boys were checked at the immigration counter, the visas of all were found to be fake and all three were turned out of the airport. Thereafter, the applicant's son returned home and informed the applicant about the same. The applicant and his son then telephoned the accused persons and spoke to them regarding the fake visa, whereupon the accused persons stated that they should give them some time so that they could make inquiries and get the work done as soon as possible. 7. That after the said incident, the applicant's son telephoned the accused persons several times and demanded the return of his money, but the accused persons kept avoiding the matter by making excuses. In September 2023, the applicant again spoke on the telephone with accused No. 1, whereupon accused No. 1 became angry and started abusing the applicant with filthy language and threatened that if he called again, she would have him and his family killed. She further stated that they had contacts at higher levels and that the applicant could not harm them in any manner. 8. That the applicant and his son submitted an application to the police regarding the fraud committed against them, after which a Panchayat was held between both the parties. There, the accused persons stated that they would send the applicant abroad, but the expenses of the ticket would be borne by the applicant, and if the accused persons failed to send the applicant abroad, then the amount of the ticket along with Rs. 16,00,000 would be returned to the applicant by the accused persons. In this regard, a written compromise was also executed, upon which both the parties affixed their respective signatures. The agent who had come along with the accused persons also affixed his signatures and assumed responsibility by assuring that the work would be completed further.

9. That after the aforesaid incident, at the instance of the accused persons, the applicant's son booked an air ticket on 09.10.2023, the flight of which was



scheduled for 28.10.2023. On the scheduled date, the applicant's son went to Delhi Airport, but none of the accused persons or their agents accompanied the applicant. During the checking of documents there, the authorities declared the visa and other documents of the applicant's son to be fake and he was turned out of the airport. Thereafter, the applicant's son telephoned the accused persons and spoke to them, but they continued to evade the matter. Upon this, the applicant and his son demanded the return of their money and threatened to approach the police if the same was not returned, whereupon the accused persons asked them not to do so and assured that the money would be returned. In lieu thereof, accused No. 1 gave the applicant's son a cheque bearing No. 390682 at Kaithal, which was for Rs. 14,00,000. When the applicant presented the said cheque in the bank on 25.11.23, the cheque was dishonoured. When the applicant's son informed the accused persons about the same, they told him to present the said cheque after two months, but when it was again presented later, the cheque was again dishonoured. Thereafter, when the applicant's son spoke to the accused persons, they told him not to call again and threatened that he could do whatever he wished but they would not return his money.

10. That after the aforesaid incident, the applicant and his son submitted an application to the Superintendent of Police, Kaithal, which was marked to the Economic Cell, Kaithal. Thereafter, the police called the accused persons to the Economic Cell, Kaithal, where the accused persons admitted their mistake, and the other persons who had come along with the accused persons sought time until 28.02.2024 to return Rs. 15,43,000 out of the amount of Rs. 16,00,000 taken from the applicant for sending his son abroad. In this regard, an affidavit dated 06.01.2024 was also executed, upon which the applicant's son, accused No. 1, and the witnesses affixed their respective signatures. Accused No. 1 also issued a cheque bearing No. 390684 for Rs. 15,43,000 and stated that if she failed to return the money within the given time, the applicant's son could present the cheque in the bank. 11. That as the accused persons did not return the applicant's money within the time taken by them, the applicant and his son tried to contact the accused persons, but the accused persons stopped answering the applicant's calls. Thereafter, the applicant's son presented the cheque issued by accused No. 1 in his bank account on 15.03.2024, which was returned by the bank on 16.03.2024 with a memo stating "Funds Insufficient." Thereafter when the applicant and his son spoke to the accused persons, they, kept avoiding the matter by making excuses and later threatened the applicant that if he did not stop pursuing them, it would not be good for him and his entire family and threatened to have them killed, further stating that they had connections at higher levels. "You cannot do anything against us." Therefore, it is respectfully prayed that appropriate legal action be taken against the aforesaid accused persons, who are persons of criminal nature and commit fraud with people on the pretext of sending them abroad, and that the amount of Rs. 16,00,000, which the accused persons have misappropriated from the applicant, be recovered and returned to



the applicant, and protection be provided to the applicant and his entire family. Your kind favour in this regard shall be highly obliged. Dated 05.09.2024, Sd/- Iqbal Singh, Applicant, Iqbal Singh son of Gurmej Singh, resident of Village Farl, District Kaithal, Phone 8307647096. From the complaint received at Police Station Pundri, it was found that offences U/S 406, 420 IPC are made out and FIR No. 439 dated 21.10.2024 u/s 406, 420 IPC P.S. Pundri was registered. The copy of police file and the original complaint were handed over to ASI Suresh No. 402/Kaithal. The FIR was registered in the presence of ASI Suresh No. 402/Kaithal. A copy of the FIR will be sent to the senior officers through post.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 03.12.2025. Learned counsel has further argued that the petitioner was merely helping the complainant side in pursuing the process of going abroad, and when the same did not fructify to the satisfaction of the complainant, the FIR in question was got registered. Learned counsel has further submitted that, upon culmination of the investigation qua the petitioner, the challan has already been presented qua her. Learned counsel has further reiterated that the petitioner is a lady aged about 37 years. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 13.07.2026 in Court, which is taken on record.

4.1. Learned counsel for the complainant has vehemently opposed the grant of regular bail to the petitioner by reiterating that the petitioner owes a substantial amount, and the same is yet to be recovered. Learned counsel has further submitted that the petitioner (herein) is involved in other FIR(s)/cases as well. Thus, dismissal of the petition in hand is entreated for.



5. I have heard counsel for the parties and have gone through the available records of the case. Before delving into the matter in hand, it would be apposite to refer herein to a judgment of the Hon'ble Supreme Court titled as ***Gudikanti Narasimhulu and others vs. Public Prosecutor, High Court of Andhra Pradesh AIR 1978 SUPREME COURT 429,*** relevant whereof reads as under:

“10. The significance and sweep of Article 21 make the deprivation of liberty a matter of grave concern and permissible only when the law authorising it is reasonable, even-handed and geared to the goals of community good and State necessity spelt out in Article 19. Indeed, the considerations I have set out as criteria are germane to the constitutional proposition I have deduced. Reasonableness postulates intelligent care and predicates that deprivation of freedom- by refusal of bail is not for punitive purpose but for the bi-focal interests of justice-to the individual involved and society affected.

11. We must weigh the contrary factors to answer the test of reasonableness, subject to the need for securing the presence, of the bail applicant. It makes sense to assume that a man on bail has a better chance to prepare or present his case than one remanded in custody. And if public justice is to be promoted, mechanical detention should be close to ours, the function of bail is limited, 'community roots' of the, applicant are stressed and, after the Vera Foundation's Manhattan Bail Project, monetary suretyship is losing ground. The considerable public expense in keeping in custody where no danger of disappearance or disturbance can arise, is not a negligible consideration. Equally important is the deplorable condition, verging on. the inhuman, of our sub-jails, that the unrewarding cruelty and expensive custody of avoidable incarceration makes refusal of bail unreasonable and a Policy favouring release justly sensible.

12. A few other weighty factors deserve reference. All deprivation of liberty is validated by social defence and individual correction along an anti-criminal direction. Public justice is central to the whole scheme of bail law. Fleeing justice must be forbidden but punitive harshness should be minimised. Restorative devices to redeem the man, even, through community service, meditative drill, study classes or other resources should be innovated, and playing foul with public peace



by tampering with evidence, intimidating witnesses or committing offence while on judicially sanctioned 'free enterprise,' should be provided against. No seeker of justice shall play confidence tricks on the court or community. Thus, conditions may be hung around bail orders, not to cripple but to protect. Such is the holistic jurisdiction and humanistic orientation invoked by the judicial discretion correlated to the values of our constitution."

5.1. Further, the Hon'ble Supreme Court in a judgment titled as ***Gurcharan Singh vs. State (UT of Delhi) 1978 (1) SCC 118***, has held as under:-

"Where the granting of bail lies within the discretion of the court, the granting or denial is regulated, to a large extent, by the facts and circumstances of each particular case. Since the object of the detention or imprisonment of the accused is to secure his appearance and submission to the jurisdiction and the judgment of the court, the primary inquiry is whether a recognizance or bond would effect that end."

5.2. Furthermore, the Hon'ble Supreme Court in a judgment titled as ***Sanjay Chandra vs. CBI (2012) 1 SCC 40***, has held as under:

"21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.

22. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some un-convicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, "necessity" is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any



circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances.”

6. The petitioner was arrested on 03.12.2025 wherein after investigation was carried out and challan *qua* the petitioner stands presented on 27.01.2026. Total 16 prosecution witnesses have been cited but none has been examined till date. It is thus indubitable that culmination of trial will take its own time. The rival contentions raised by learned counsel give rise to debatable issues which 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 The petitioner is a lady aged about 37 years (As per memo of parties appended with the petition), hence, bail petition ought to be considered in view of proviso to Section 480(2) BNSS. It is pertinent to mention herein that the proviso to Section 480 BNSS, 2023, is *pari materia* with proviso to Section 437 Cr.P.C., 1973. In this regard, it would be apposite to refer herein to a judgment passed by this Court on 14.03.2024 in **CRM-M-11503-2024** titled as ‘**Ravinder Kaur Vs. State of Punjab**’ (dealing with proviso to Section 437 Cr.P.C.), relevant thereof reads as under:

“It would be apposite to refer herein to the dicta of a judgment of the Hon'ble Supreme Court in a case of ‘Satender Kumar Antil Vs. Central Bureau of Investigation & Anr., 2022(10) SCC 51’, which held as under: 51. Proviso to Section 437 of the Code mandates that when the accused is under the age of sixteen years, sick or infirm or being a woman, is something which is required to be taken note of. Obviously, the court has to satisfy itself that the accused person is sick or infirm. In a case



pertaining to women, the court is expected to show some sensitivity. We have already taken note of the fact that many women who commit cognizable offenses are poor and illiterate. In many cases, upon being young they have children to take care of, and there are many instances when the children are to live in prisons. The statistics would show that more than 1000 children are living in prisons along with their mothers. This is an aspect that the courts are expected to take note of as it would not only involve the interest of the accused, but also the children who are not expected to get exposed to the prisons. There is a grave danger of their being inherited not only with poverty but with crime as well.

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58. Section 437 of the Code empowers the Magistrate to deal with all the offenses while considering an application for bail with the exception of an offense punishable either with life imprisonment or death triable exclusively by the Court of Sessions. The first proviso facilitates a court to conditionally release on bail an accused if he is under the age of 16 years or is a woman or is sick or infirm, as discussed earlier. This being a welfare legislation, though introduced by way of a proviso, has to be applied while considering release on bail either by the Court of Sessions or the High Court, as the case may be. The power under Section 439 of the Code is exercised against an order rejecting an application for bail and against an offence exclusively decided by the Court of Sessions. There cannot be a divided application of proviso to Section 437, while exercising the power under Section 439. While dealing with a welfare legislation, a purposive interpretation giving the benefit to the needy person being the intendment is the role required to be played by the court. We do not wish to state that this proviso has to be considered favourably in all cases as the application depends upon the facts and circumstances contained therein. What is required is the consideration per se by the court of this proviso among other factors.'

6.2 As per custody certificate dated 13.07.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 07 months and 08 days & is shown to be involved in multiple FIR(s)/case. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. 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 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 misuse the liberty granted.*
- (ii) *The petitioner shall not tamper with any evidence, oral or documentary, during the trial.*
- (iii) *The petitioner shall not absent herself on any date fixed before the trial Court.*
- (iv) *The petitioner shall not commit any offence while on bail.*
- (v) *The petitioner shall deposit her passport, if any, with the trial Court.*
- (vi) *The petitioner shall furnish her cell-phone number to the Investigating Officer/SHO of the concerned Police Station and shall not change her cell-phone number without the prior permission of the trial Court/Illaq 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.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

14.07.2026

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(SUMEET GOEL)

JUDGE

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