



CRM-M-46052-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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Date of decision: 27th September, 2024

Harbhinder Singh ...Petitioner
Versus
State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. V.S. Rana, Advocate for the petitioner.
Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
133	10.06.2023	Maqboolpura, Amritsar (Punjab)	420, 120-B of IPC, 1860 and Section 13 of Punjab Travel Professionals (Regulation) Act 2014

2. As per the prosecution case, the complaint was jointly lodged by the complainant Sandeep Singh and victims Bablu and Rahul alleging that they were labourers working on daily wage basis. The petitioner who is

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also known by the name of Bhinda had induced them to part with a sum of Rs. 60,000/- each on the pretext of sending them abroad. He had handed over fake VISAs and tickets to them and believing the same to be genuine, the victims had even reached at Delhi Airport to board a flight for going abroad but they were apprehended by police. Their VISAs and tickets were found to be false. They contacted the petitioner for returning their money but instead of doing that, the petitioner and his partner Paramjit @ Pamma started extending threats to kill the victims. After filing of the complaint, inquiry was conducted by a police officer of rank of Additional Deputy Commissioner of Police, Amritsar, who prepared a report that the petitioner had induced the victims on the pretext of sending them to Jordan for doing packaging work and had extracted money from them. He had even taken them to Delhi and had left them there. Their VISAs and tickets as handed over by the petitioner and co-accused were found to be fake. On the basis of this report, FIR was registered. Investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner had moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Amritsar which was dismissed vide order dated 08.04.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He is a labourer only. He never ran business of providing service as a travel agent. He used to work as a sweeper in the office of one travel agent and it was only on the asking of the owner of that office that he had

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collected a sum of Rs. 20,000/- from the house of victim Bablu in August, 2022. He left the said office in November, 2022 and ever since then he is working as a labourer. The co-accused Paramjit @ Pamma who is a police official, is only an acquaintance of the petitioner. The petitioner had never done any business with him. No recovery is to be effected from him. His custodial interrogation is not required. He is ready to join the investigation. With these broad submissions, it is urged that the petitioner deserves to be released on bail.

4. Status report has been filed by respondent-State. It is submitted therein and learned State counsel has argued that on the pretext of sending the victims Sandeep Singh, Bablu and Rahul to Jordan, for doing packaging work, the petitioner had induced them to part with a sum of Rs. 60,000/- and after receiving the same, he had manipulated fake VISAs and tickets and handed over the same to the victims. He is a person of criminal antecedents as one case under Section 379-B of IPC is pending against him. His custodial interrogation is required for conducting thorough investigation of the matter by the police as well as for effecting recovery of the money taken by him from the victims. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have induced the complainant and

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other two victims to give a sum of Rs. 60,000/- each to him on the pretext that he would send them to Jordan and would arrange packing work for them. He is alleged to have handed over fake VISAs and tickets to them. The allegations against the petitioner are quite grave in nature. It is well settled proposition of law that custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of pre arrest bail. Many useful information can be disinterred during custodial interrogation. It is also a matter of discretion to grant or not to grant pre-arrest bail. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discretion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.



7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

27th September, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |