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

CRM-M-187-2025
Date of Decision: 02.07.2025

Harvinder Singh ...Petitioner

Versus

State of Punjab …Respondent

CRM-M-162-2025

Dinesh Kumar ...Petitioner

Versus

State of Punjab and others …Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Aman Mittal, Advocate
for the petitioner (in CRM-M-187-2025).

Mr. Bhrigu Dutt Sharma, Advocate
for the petitioner (in CRM-M-162-2025).

Mr. Akshay Kumar, A.A.G., Punjab.

****

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
34	28.04.2024	Bhargo Camp, District Jalandhar	406, 420, 120-B IPC and 13 of Punjab Travel Professionals (Regulation) Act, 2014

1. Vide this common order, CRM-M No.187 of 2025 and CRM-M No.162 of 2025 are being disposed of. For brevity, the facts are being taken from CRM-M No.187 of 2025.

2. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

3. In paragraph 21 and 24 of the bail petition(s) respectively, the accused declares that they have no criminal antecedents.

Jyoti Sharma
2025.07.28 17:09
I attest to the accuracy and
authenticity of this order/judgment
High Court, Sector 1, Chandigarh

4. The facts and allegations are taken from the short reply filed by State counsel, which reads as follows:

> *"4. That present FIR No. 34 dated 28.04.2024 Under Section 406, 420,120-B IPC & Section 13 Punjab Travel Professionals (Regulation) Act, 2014, Police Station Bhargo Camp, Jalandhar, was registered against Dilbagh Singh, Rajinder Singh, N.S. Raja Ram, Krushil Kaushikbhai Ponkiya(accused Dinesh Kumar and Harvinder Singh i.e. petitioner nominated later on) on the basis of complaint bearing no. 5063 DCP dated 28.08.2023 and complaint no. 6194 DCP dated 13.10.2023 filed by complainant Sunil Bhatia against Dinesh Kumar, Harwinder Singh i.e., petitioner, Dilbagh Singh, Nandani wife of Dinesh Kumar, Raja Ram and Go abroad Solution wherein complainant has stated that petitioner Dilbagh Singh and other co-accused have taken 30,00,000/- from him on the pretext of sending his son to Canada but thereafter, neither his son was sent abroad nor the abovesaid amount was returned.*
> *5. That enquiry into the said application was entrusted by Commissioner of Police Jalandhar to In-charge Anti Human Trafficking Unit Jalandhar and upon enquiry it transpired that accused have settled to send son of complainant along-with his family to Canada and accused demanded Rs.30 Lakh and as per demand accused Harwinder Singh i.e. petitioner and Dinesh Kumar received Rs. 8 Lakh initially."*

5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

6. Petitioner seeks bail by making following arguments:

i. Not named in FIR;

ii. Allegations are vague;

iii. There is a delay in lodging of FIR;

iv. He did not commit any offence nor does indulge in such kind of activity;

v. His name has been falsely roped in; and

vi. The main accused was granted bail by this Court, as such entitled to bail on parity with Dilbag Singh.

7. State opposed the bail and submits that petitioner is not entitled to bail on parity. To analyze the evidence, it shall be appropriate to refer to the following portions of reply which reads as follows:

> *"7. That during enquiry it further transpired that sum of Rs. 1 Lakh was transferred by complainant through Bank Account of his wife bearing no. 66080000100033403 of PNB in the Bank account of*

Jyoti Sharma
2025.07.28 17:09
I attest to the accuracy and
authenticity of this order/judgment
High Court, Sector 1, Chandigarh

Dilbagh Singh bearing no. 3507000100079682 of PNB on 21.12.2021 and sum of Rs. 8 Lakh was transferred in the Bank Account of Go Abroad Solution bearing no. 201002010480 of IndusInd Bank on 01.01.2022 on the asking of Dilbagh Singh.

8. That during enquiry it further transpired that sum of Rs.1 lakh was transferred in the Bank Account of accused Raja Ram bearing no. 920010069940581 of Axis Bank on 01.01.2022 and sum of Rs. 1,50,000/- was transferred in the Bank Account of Go Abroad Solution bearing no. 201002010480 of Indusind Bank on 01.01.2022 as such complainant paid total sum of Rs.19,50,000/ in different Bank Accounts of accused.

Role of Petitioner

13. That there are specific allegations against the petitioner and other co-accused of committing fraud with the complainant in connivance with each other as during enquiry it transpired that all the accused have received sum of Rs.19,50,000/- and Rs.10,50,000/- through cash. It has further come on record that accused Harwinder Singh i.e. petitioner and Dinesh Kumar have received sum of Rs. 8 lakh in cash from complainant Sunil Bhatia on different dates (Rs.5,50,000/- was received by them from complainant on 22.01.2021 and Rs.2,50,000/- was received by them from complainant on 05.01.2022) and complainant has furnished CCTV footage of giving money to petitioner and co-accused Dinesh Kumar hence petitioner actively connived with other co-accused of committing fraud with the complainant, moreover petitioner has given his residential address as House No.124 Ishwar Colony Jalandhar in the present petition however upon verification petitioner was not found to be residing at said address hence petitioner does not deserve any leniency from this Hon'ble Court as such present petition is liable to be dismissed."

8. The investigation clearly points out that in all, accused have received Rs.19.50 lacs through cash. Of this cash part, petitioner and Dinesh received Rs.8 lacs in cash from complainant. There is CCTV footage of giving money to petitioner and Dinesh. It has also come in evidence that Harvinder Singh had settled the matter and have given cheques of Rs.2 lacs which were dishonoured. So once the complainant himself had settled the matter and had agreed to take cheques, the remedy was to take recourse under Negotiable Instruments Act.

9. The main accused as per FIR is Dilbagh Singh who was in touch with the complainant and granted bail by this Court on merits vide order dated 29.11.2024 passed in CRM-M No.40751 of 2024 and relevant paragraphs of the order are reproduced below:-

"*7. The complainant's specific stand is that when they checked the Visa it was found fake, despite that, the copy of the fake Visa was not attached in the reply, and no explanation has been offered*

Jyoti Sharma
2025.07.28 17:09
I attest to the accuracy and authenticity of this order/judgment
High Court, Sector 1, Chandigarh

for not attaching copy of the same, which is the primary evidence of the alleged fraud.

9. An analysis of the petitioner's stand, the missing copy of the alleged fake Visa and passport details in the reply, and the delay in the FIR are crucial factors."

10. A sequel of the discussion above reflects that there is exchange of money between the petitioners and the complainant but delay in registration of FIR, non-production of documents to establish forgery are necessary factors which goes in favour of the petitioners. Further, the petitioners voluntarily handed over affidavit mentioning details of their assets to State counsel which make their case for bail.

11. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

12. Given the above, the penal provisions invoked coupled with the primafacie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

13. Given above, provided the petitioners are not required in any other case, the petitioners shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

14. While furnishing a personal bond, the petitioners shall mention the following personal identification details:

1.	AADHAR number	
.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
	Mobile number (If available)	
	E-Mail id (If available)	

15. This order is subject to the petitioner's complying with the following terms.

16. <u>*The petitioners are directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana*</u>

Jyoti Sharma
2025.07.28 17:09
I attest to the accuracy and
authenticity of this order/judgment
High Court, Sector 1, Chandigarh

and as and when called by the Investigator. The petitioners shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioners shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioners shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

17. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

18. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

19. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

20. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

21. **Petition(s) allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

02.07.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.

Jyoti Sharma
2025.07.28 17:09
I attest to the accuracy and
authenticity of this order/judgment
High Court, Sector 1, Chandigarh