



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
209

CRM-M-3726-2025 (O&M)
Date of decision: 20.03.2025

Harkirat Singh
State of Haryana
Versus
....Petitioner
....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Kawalpreet Singh Virk, Advocate
for the petitioner.
Mr. Vikas Bhardwaj, AAG, Haryana.
Mr. D.P.S. Bajwa, Advocate
with Mr. Rahul Singh, Advocate
for Mr. G.S. Goraya, Advocate
for the complainant.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory
bail to the petitioner in FIR No.239 dated 12.10.2024 under Sections
406 & 420 of the Indian Penal Code, 1860, registered at Police Station
Guhla, District Kaithal.

2. On 23.01.2025, the following order was passed:-

“XX XX XX XX
Learned counsel for the petitioner, inter alia,
contends that the petitioner is not working as travel agent
or visa consultant. Admittedly, one Simran Gill has
facilitated visa of the complainant and after finding the
shortage of job opportunity in Canada, the complainant,



inspite of having a visa, did not went there. Learned counsel for the petitioner refers to affidavit (Annexure P-2), vide which a compromise was effected between Simran Gill and the complainant. The petitioner is having clean antecedents and is not involved in any other case. Moreover, the maximum sentence provided for the offences, under which the FIR (supra) is registered, is punishable upto 07 years. Even no notice under Section 35 of BNSS [erstwhile Section 41-A of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.')] has been served upon the petitioner.

Notice of motion.

On asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of the respondent-State and Mr. Rajesh Duhan, Advocate accepts notice on behalf of the complainant and files Memorandum of Appearance, which is taken on record. Registry is directed to tag the same at the appropriate place of the case file.

Learned counsel for the complainant vehemently opposes the prayer for grant of anticipatory bail to the petitioner on the ground that the petitioner has committed fraud with the complainant.

Adjourned to 24.02.2025.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, the petitioner is directed to appear before Investigating Officer within a*



period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (erstwhile Section 438(2) of Cr.P.C.).

If the Arresting Officer does not permit the petitioner to join the investigation, he would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and learned trial Court shall decide the case on its own merits, strictly in accordance with law.”

3. Learned counsel for the petitioner submits that in terms of the order dated 23.01.2025, the petitioner has already appeared before the Investigating Officer and joined the investigation. He further submits that the complainant has given an affidavit that the co-accused Simran Gill is the main culprit and he has not been arrayed as an accused in the FIR till date. Further the petitioner is not involved in any other FIR and only a criminal complaint under provisions of the Negotiable Instruments Act has been filed and one another FIR i.e. FIR No.56 dated 08.03.2025, has been registered against the petitioner, after the registration of the impugned FIR No.239 dated 12.10.2024.



4. *Per contra*, learned State Counsel has filed reply by way of affidavit of Randhir Singh ASI, Investigating Officer, Economic Cell, Kaithal, today in the Court, which is taken on record. He submits that although the petitioner has joined the investigation, however, he is still required for further questioning as he has not provided clear information regarding Simran Gill and he even failed to disclose the phone number from which WhatsApp messages were sent. Further the custodial interrogation of the petitioner is necessary to investigate the role of Advocate Ajay Mehta and the creation of forged documents. Additionally, the petitioner is involved in a similar case i.e. FIR No.56 dated 08.03.2025, registered under Sections 406 and 420 IPC at Police Station Guhla.

5. Additionally, learned counsel for the complainant submits that the petitioner has obtained ad interim anticipatory bail from this Court by making false averments that he is having clean antecedents and that he is not working as a travel agent. He further submits that the petitioner has been convicted in 05 cases and he is facing trial in 07 more cases and further on verification, the Visa provided by the petitioner to the complainant, is found to be a fake Visa, which clearly demonstrates that the petitioner had the intention to cheat the complainant from the very inception and admittedly, the entire money has been transferred in the account of the petitioner.

6. Keeping in view the peculiar facts and circumstances of the case, it is evident that although the petitioner has joined the



investigation, however, he has failed to provide crucial information such as details about Simran Gill and the phone number used for WhatsApp messages. Further the custodial interrogation of the petitioner is necessary to investigate the creation of forged documents. In light of these facts, the present petition is dismissed.

(HARPREET SINGH BRAR)
JUDGE

20.03.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No