



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

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CRM-M No.16218 of 2025 (O&M)
Date of decision: 28.03.2025

GAGAN VERMA**.... Petitioner**

Versus

STATE OF PUNJAB**.... Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present : Mr. Rajesh Kumar, Advocate for the petitioner
(through video conference).

Ms. Ruchika Sabherwal, Sr. D.A.G., Punjab.

MANISHA BATRA, J. (oral)

CRM-12223-2025

Application is allowed subject to all just exceptions.

Main case

The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short-‘BNSS’) by the petitioner for grant of anticipatory bail in case arising out of FIR No.199 dated 07.10.2024 registered under Sections 420 and 406 of IPC, at Police Station City Budhlada, District Mansa.

2. The aforementioned FIR was registered on the complaint lodged by the complainant-Sarbjeet Kaur on the allegations that the petitioner had induced her to part with a sum of Rs.23,70,000/- on the pretext of sending her to United Kindgom (U.K.). Some of this money was transferred by way of bank transactions. The petitioner, however, failed to either send her abroad or to return the amount of money so taken and therefore, caused wrongful loss to her with intention to cheat her, since the very beginning. After registration of

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the FIR, investigation proceedings were initiated and are underway. Apprehending his arrest, the petitioner had moved an application before the Court of learned Sessions Judge, Mansa vide order dated 25.11.2024.

3. It is argued by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. In fact, the amount of money which was transferred by the complainant into his bank account, had further been transferred to the account of Victoria Ielts and Immigration Consultancy which had undertaken to facilitate the issuance of visa of the complainant to the U.K. The aforesaid company had subsequently declined to pursue the visa permit file of the complaint or to return her money. It was above named consultancy company which had misguided the complainant and the petitioner had no role to play in it. He is ready to join the investigation. His custodial interrogation is not required. Neither any recovery is to be effected from him. Therefore, it is urged that he deserves to be given benefit of anticipatory bail.

4. Notice of motion.

5. Learned State counsel who has appeared on advance notice of the petition, is ready to argue the matter. It is submitted by her that there are specific allegations in the FIR against the present petitioner since it was he, who had allured the complainant to part with huge amount of money on the pretext of sending her abroad on work permit visa. The petitioner had neither returned the money nor got issued visa in favour of the complainant. For conducting through investigation in the matter, his custodial interrogation is required. No extra ordinary and exceptional circumstance to grant him the

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concession of pre-arrest bail has been made out. Therefore, it is urged that the present petition does not deserve to be allowed.

6. Rival submissions have been heard by this Court.

7. There are specific allegations against the present petitioner that he had allured the complainant to initially part with sum of Rs.4,25,000/- on the pretext of sending her abroad and then by assuring that the visa will be issued within 6 months, she was made to pay another amount of Rs.19,45,000/-. The petitioner has claimed that the entire amount received by him had been transferred to account of some other consultancy firm, however, no material has been produced on record to show so. The allegations against the petitioner are specific and serious in nature. The case is at its nascent stage. For conducting thorough investigation in the matter, the custodial interrogation of the petitioner is must. 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's 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 custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning an accused who is well ensconced with a favourable order of anticipatory bail. 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. Keeping in view the gravity thereof, the role attributed to the petitioner, the likelihood of his influencing the course of investigation and also of tampering with the evidence, no ground has been made out for allowing the petition. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

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

29.03.2025
Jyoti-IV

(MANISHA BATRA)
JUDGE

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