

2025:PHHC:070821



217.

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

CRM-M-16330-2025

Date of decision: 23.05.2025

Harpreet Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Mandeep Singh Sachdev, Advocate, for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

Mr. Sartaj Singh Gill, Advocate, for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. This is second petition that has been filed under Section 483 of BNSS, 2023, is for grant of regular bail to the petitioner in case FIR No.32, dated 17.05.2023, under Sections 420, 406, 365, 120-B of IPC and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014, registered at Police Station Bholath, District Kapurthala.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the instant case, which has been registered at the instance of one Gurmeet Singh. It is submitted that the petitioner is a travel agent by profession and also operates a government-licensed news agency. Drawing the attention of this Court to the FIR, annexed as Annexure P-1, learned counsel asserts that the present criminal proceedings are a counter-blast to a civil suit instituted earlier by the petitioner.

3. It has been still further contended that the petitioner has no criminal antecedents and has been cooperative throughout the course of investigation. The petitioner was arrested on 22.09.2023 and remained in custody till 31.05.2024. He was granted interim bail vide order dated 29.05.2024. However, his regular bail application was subsequently dismissed vide detailed order dated 24.01.2025.

4. It has been urged by the learned counsel that during the period of interim bail, the petitioner did not misuse the concession granted to him in any manner, did not tamper with the evidence, nor sought to influence any witnesses. Attention is also drawn to the fact that the trial is likely to take considerable time as 37 prosecution witnesses still remain to be examined.

5. On being pointedly asked by this Court as to whether the interim bail had been granted on account of a medical emergency or any bereavement in the family or any other compelling grounds, learned counsel for the petitioner has submitted that no such exigency existed at the relevant time.

6. On a further query as to whether the petitioner has surrendered pursuant to the dismissal of his regular bail on 24.01.2025, learned counsel has fairly conceded that the petitioner has not surrendered till date.

7. *Vakalatnama* filed on behalf of complainant in Court today, is taken on record.

8. *Per contra*, learned State counsel, assisted by learned counsel for the complainant, has vehemently opposed the prayer and submissions

made by the counsel opposite. It has been submitted that the allegations against the petitioner are grave and serious, involving offences of criminal breach of trust, cheating and criminal conspiracy in connection with a VISA scam amounting to approximately Rs.2.4 crores. It has been further pointed out, on instructions, that despite the grant of interim bail, the petitioner has wilfully failed to surrender in compliance with the order dated 24.01.2025. It has been still further brought to the notice of this Court by the learned State counsel, on instructions, that since the petitioner has failed to comply with the order of this Court dated 24.01.2025, bailable warrants have already been issued to secure his presence.

9. It has also been submitted by the learned State counsel that in essence, a second attempt is being made by the petitioner to seek the same relief in a different form and is, therefore, not maintainable. It has been contended that entertaining the instant petition, in the face of the earlier detailed dismissal order and the continued evasion of custody by the petitioner, would amount to erosion of judicial discipline and compromise the sanctity of the court's earlier order rejecting his regular bail on merits.

10. I have heard learned counsel for the parties and perused the material placed on record.

11. It is an admitted position that the petitioner was granted interim bail on 29.05.2024, pending adjudication of his regular bail application. It is also not disputed that such interim relief was not predicated upon any emergent medical need etc.

12. The Hon'ble Supreme Court in *Asim Malik Versus The State of Odisha, Special Leave Petition (Criminal) Diary No(s).57403/2024, dated 24.04.2025*, has expressly cautioned against the routine and repeated grant of interim bail, observing:-

“ Though, it may be necessary in some cases to grant interim bail to take care of specific contingencies, but as a routine, interim bail should not be granted. Either the Court should grant regular bail or should refuse to grant bail. Granting interim bail should be an exception, and should not be granted in a routine manner and repeatedly.”

13. In the present case, the application by the petitioner for regular bail has already been dismissed vide a detailed order dated 24.01.2025, wherein the nature and seriousness of the allegations, including the petitioner's initial admission of liability and offer to part with the residential property – subsequently retracted – were duly considered. Despite the dismissal, the petitioner has not surrendered till date and has failed to show any compelling or mitigating circumstance justifying his continued absence from custody.

14. This Court cannot also ignore with concern that the present petition is an indirect attempt to seek bail under the guise of a fresh prayer, without first complying with the conditions imposed at the time of the earlier rejection. Entertaining such a petition in the absence of surrender would not only undermine the authority of the prior order of this Court but would also set an unhealthy precedent, diluting the judicial discipline.

15. In view of the totality of the circumstances, including the failure by the petitioner to surrender despite dismissal of regular bail, the

absence of any exceptional justification for such failure, and the nature of allegations levelled against him, this Court does not deem it fit to accept the prayer of the petitioner at this stage.

16. Accordingly, the present petition is dismissed.

17. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

**(MANJARI NEHRU KAUL)
JUDGE**

May 23, 2025
sanjeev

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No