

CRM-M-13958-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13958-2025
Date of Decision: 12.03.2025

Amit Panjeta

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ravinder Bangar, Advocate
for the petitioner.

Ms. Trishanjali Sharma, D.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
66	08.02.2025	Kurukshetra University, District Kurukshetra	420, 406 IPC and 10, 24 of Immigration Act

1. 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.
2. In paragraph 8 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from translated version of FIR, which reads as follows:

“Request is that I am Vikas Kumar son of Shri Darshan Singh, permanent resident of village Jogna kheda, Tehsil Thanesar, District Kurukshetra. I came to know that Amit Panjeta works in sending people abroad, I met Amit Panjeta in Ladwa in May 2024 and I told him that I want to go to America, then he said no problem, this is our work. I asked him how much money it would cost, he told me that it would cost you Rs 40,00,000/-, I agreed. I gave him my documents and he said that when your visa would be received and you board the flight and would reach Europe, then I have to give him 10,00,000/-rupees but he called us to Ladwa on 28.07.2024 and I went to Ladwa with my relative Harjeet and gave him 10,00,000/-rupees and he told me that you have to take 2000 dollars and 500 euros with you, you can take this of your own money, I will deduct



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the same when we do the calculation. On dated 29.07.2024 I sent to Check Republic, on dated 30.07.2024 I was sent to Spain Madrid where I stayed in a hotel for 15-16 days. I stayed there and I bore my expenses myself and he told me that whatever expenses spent by you during 15-16 days he will bear the same, he will deduct this money from the remaining amount. He told me that I will send to you Mexico City through flight from Spain Madrid. But he called me and said that you don't have a direct flight to Mexico from here, I will first send you to Brazil and from there I will send you to Colombia by flight and from Colombia I will arrange a flight to Mexico. He asked me Rs 67,200 for the flight from Spain to Brazil, so I told him that you have already stated to me that you will take the payment on reaching Mexico, then why are you asking for money in between, then he started telling me that if you want to go, then you have to pay the money, I gave 67,200/- rupees on the mobile number given by him. He also told me that I will not let you stay in Brazil for asylum but when I reached Brazil airport, I called Amit Panjeta and told him that I am going for immigration. He called me and told me that you don't have to do immigration right now, first delete your tickets and hotel bookings etc. from your phone and keep only the boarding pass, go to the immigration counter and say Asylum. Then I told him that you had told me that I will not let you to get Asylum and he himself get me out from the airport. But after that he said me that he will sent me after asylum within in 1-2 days. I reached Brazil airport on dated 15.08.2024 and stayed in the camp at the airport till 22.08.2024 for 7-8 days and I also fell ill in the camp but he did not call me and not asked whether I left from there or not. On 22.08.2024, I left the Brazil airport camp and went to the hotel and I stayed there at my own expense for about 40-45 days. Meanwhile, he called me and said that I am talking about your flight to Colombia but after a few days he told me that the flight is not being arranged from here, I will send you to Colombia by bus and from there I will send you to Costa Rica via Panama jungle and I will send you to Mexico from there. I called him and asked him that when I had talked about the flight, why are you sending me through the jungle? He said that the flight is not being arranged and I will have to go to Mexico through the jungle. I refused to go to Mexico through the jungle, so he told me that if you don't want to go through the jungle, book your ticket and come back to India. Then I did not talk to him on the phone for a few days. I called him again after a few days, but he stopped picking my phone. When he did not pick up my phone, I talked to another agent, he said that if you were in Spain, I would have arranged a flight for you to Mexico from there, but your first agent lied and sent you to Brazil, you will not be able to get a flight to Mexico from there, you will have to go to Mexico through the jungle. I had no other option but this. I reached Mexico through the jungle and entered America by crossing the Tejavana border on 15.01.2025. Then I stayed in the camp for 18-19 days. On 02.01.2025 I was thrown out of the camp at night and on 03.01.2025 I was sent back to India by USA Air Force flight. On 07.02.2025 I called Amit Panjeta to inform him that I have returned to India and he said that who is Vikas? I don't know any Vikas. Then I told him that I was sent by you to America, still he said that I don't know any Vikas and after saying this he disconnected the phone. So I request you to take strict legal action against the above mentioned Amit Panjeta for committing fraud and get my 16 lakh rupees back from him. It would be very kind of you."



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4. 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.

5. The State's counsel opposes bail.

6. Counsel for the petitioner has drawn attention of this Court to Annexure P-4 i.e. CRM-M No.11614 of 2025 which is a quashing petition filed by the petitioner on the basis of compromise with the complainant wherein counsel for the complainant appears and admits the execution of compromise.

7. Given the fact of compromise between the parties, 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.

8. Given the above, the penal provisions invoked coupled with the prima facie 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. This order shall come into force from the time it is uploaded on this Court's official webpage.

9. Given above, provided the petitioner is not required in any other case, the petitioner 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.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

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

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



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12. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner 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 petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

13. 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.

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

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

16. 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.

17. Petition allowed in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

12.03.2025

Jyoti Sharma

Whether speaking/reasoned: Yes

Whether reportable: No.