



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

**CRM-M-17072-2025**

Date of decision: 1<sup>st</sup> May, 2025

Sanjeev Garg

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Saransh Sabharwal, Advocate for the petitioner.

Mr. Amit Rana, Sr. Dy. Advocate General, Punjab  
for the respondent/State.

Mr. Manu Sachdeva, Advocate for the complainant.

**MANJARI NEHRU KAUL, J.**

1. The petitioner is seeking the concession of anticipatory bail under Section 482 of BNSS in case FIR No.01 dated 02.01.2025 under Sections 406, 420 of the IPC registered at Police Station City Rajpura, District Patiala.

2. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated and no offence is made out against him. It is argued that the petitioner merely stood as a guarantor for one Amit Mittal, who allegedly dealt with the complainant for sending him and his family abroad. It has been further contended that all transactions took place between the complainant and the said Amit Mittal, and any amount received by the petitioner was subsequently handed over to

Amit Mittal. It has still further been submitted that there exists no written agreement between the petitioner and the complainant. Furthermore, it has been submitted that the petitioner is ready to cooperate with the investigation and therefore he be extended the concession of anticipatory bail.

3. On being put to notice, learned State counsel as well as counsel for the complainant have put in appearance and vehemently opposed the prayer and submissions made by the counsel opposite. It has been submitted that the petitioner is actively involved in running a business under the name “Kuber Financials”, which deals with sending individuals abroad on the promise of permanent residency. The complainant was lured by the petitioner into paying ₹6,80,500/- as part of an overall deal for ₹22,00,000/-, on the assurance that he and his family would be settled in Canada. It is alleged that not only did the petitioner fail to fulfill the said promise, but he also neither returned the amount received nor the passports and documents of the complainant and his family, which still remain in his possession. It has further been submitted that there is a direct money trail evidencing the financial transaction between the petitioner and the complainant, and that custodial interrogation of the petitioner is necessary to effect recovery of the amount and documents. It has also been pointed out by the learned State counsel, on instructions, that the petitioner is involved in other cases of a similar nature, which further raises serious doubts about his bona fides.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. The allegations against the petitioner in the FIR (Annexure P-1) are serious, specific and prima facie supported by documentary material in the form of financial transactions and communications between the parties. There is a direct accusation that the petitioner, under the guise of providing immigration services, received a substantial sum from the complainant with the false assurance of sending him and his family abroad, and thereafter failed to fulfill the said promise or refund the amount. The non-return of the passports and documents of the complainant and his family aggravates the matter further and prima facie points towards deliberate misappropriation.

6. The plea taken by the petitioner that he only stood as a guarantor for Amit Mittal can only be tested at the stage of trial. However, the fact remains that the money was transferred directly to the petitioner, and he has failed to offer any plausible explanation regarding its use or refund. Furthermore, the involvement of the petitioner in other cases of similar nature cannot be ignored while considering the prayer for anticipatory bail.

7. This Court cannot lose sight of the increasing number of cases involving fraudulent practices by unscrupulous agents or individuals who exploit the aspirations of innocent persons desiring to settle abroad. Such offences not only cause immense financial and emotional loss to the victims, but also severely impact public confidence

in regulatory mechanisms. The present case prima facie appears to be one such instance.

8. In view of the gravity of the allegations, nature of the offence and the necessity of custodial interrogation, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner. The petition stands dismissed. 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 1, 2025

*rps*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |