

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22172-2025
Reserved on: 09.07.2025
Pronounced on: 28.07.2025

Gurjeet Singh @ Mintu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ravi Malhotra, Advocate,
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
2	13.01.2025	Meharban, Distt. Police Commissionerate	420 IPC and 34 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 12 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from order dated 04.04.2025 passed by the trial Court dismissing the bail of petitioner, which reads as follows:

“4. The story of the prosecution is that the present FIR has been registered on the basis of complaint moved by complainant Ranjit Singh son of Tarsem Singh to the effect that the accused/applicant is doing the work of travel agent. He further stated that he had given some documents to accused/applicant Gurjeet Singh for sending him abroad. He had paid Rs.60,000/- on 19.8.2023, Rs.60,000/- on 21.8.2023, Rs.16,000/- on 4.9.2023, Rs.2,00,000/- on 16.9.2023, Rs.50,000/- on 19.9.2023 (total Rs.2,86,000/-) to the accused/applicant for sending him abroad. The said amount was paid through G.Pay in the account of accused/applicant bearing Mobile No.78889-xxxx. However, the accused/applicant has neither obtained visa for the accused/applicant nor has returned the money received by him. On the basis of above said complaint of complainant, FIR under Section 420 IPC and Section 24 Immigration Act, was registered against the

accused/applicant.”

4. Counsel for the petitioner seeks bail on the grounds that the allegations against the petitioner are false and even the name of country was not mentioned where the complainant allegedly wanted the petitioner to get a visa from him. This shows that there are false allegations.

5. 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 his family.

6. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

7. The State's counsel opposes bail and refers to the status report.

8. It would be appropriate to refer to the following portions of the status report, which reads as follows:

“8. A. The evidence based on which the petitioner was arraigned as an accused.

i) Petitioner arraigned as an accused pursuant to a detailed complaint submitted to the Commissioner of Police, Ludhiana, wherein the complainant categorically stated that an amount of Rs.2,86,000/- was transferred via GPay to the petitioner's registered mobile number on the pretext of arranging a visa and facilitating his travel abroad. However, despite receiving the aforementioned sum, the petitioner neither secured the promised visa nor refunded the amount, thereby prima facie establishing fraudulent intent and substantiating the commission of the offence.

B. The evidence against the petitioner.

i) Statement of the complainant.

ii) Bank Statement of the complainant.

iii) Screenshot of Gpay by the complainant on the mobile phone of the petitioner.

iv) Selection letter.

v) Pre-Medical Examiner Report.

vi) Enquiry Report.

C. The role of the petitioner.

i) Petitioner acted as an agent claiming to facilitate travel abroad.

ii) Petitioner has received Rs. 2,86,000/- from the complainant on the pretext of sending him abroad. However, the petitioner neither obtained visa for the complainant nor has returned the money received by him.”

REASONING:

9. Considering the fact that the complainant did not specify about the country where

he wanted to go and the reasons for his travelling vis. a vis. the statement made by the petitioner that he would fully cooperate with the investigator to recover of proceeds of crime, there is no reason for this Court to deny him bail.

10. 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.

11. 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.

12. 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.

13. 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)	

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

15. 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.

16. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

17. 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.

18. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

19. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

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

21. 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.

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

23. Complainant is at liberty to file an application for cancellation of bail before the concerned trial Court which shall be competent to cancel the bail granted to the petitioner

by this Court, in case recovery of proceeds of crime which are attributed to the petitioner in the investigation are not done.

(ANOOP CHITKARA)
JUDGE

28.07.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.