

2025:PHHC:071330



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CRM-M-22484-2025

Date of decision: May 26, 2025

LAKHWINDER SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amit Arora, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J.

1. The instant petition has been filed under Section 482 of the BNSS, 2023 for grant of anticipatory bail to the petitioner in case FIR No.0099 dated 20.06.2022 under Sections 420, 120-B of the Indian Penal Code, 1860, registered at Police Station City Patti, District Tarn Taran (Annexure P-2).

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the instant case for allegedly duping the complainant of a sum exceeding Rs.10,50,000/- on the pretext of arranging foreign travel for the complainant's son. It is submitted that the FIR (Annexure P-1) has been lodged with a *mala fide* intention, primarily to exert pressure upon the petitioner, especially in light of parallel proceedings initiated by the complainant under Section 138 of NI Act.



3. It has been further argued by learned counsel for the petitioner that the petitioner is not a licensed travel agent nor does he hold any authorization to provide immigration or overseas travel consultancy services. Learned counsel has emphasized that sum of Rs.8 lakhs allegedly received by the petitioner was transferred further into the bank account of one Gursagar Singh, as is evident from the bank statement annexed with the petition as Annexure P-3. It has been, thus, contended that the dispute is essentially civil in nature and revolves around documentary evidence, which negates the necessity of custodial interrogation of the petitioner.

4. Learned State counsel has filed reply by way of an affidavit of the short reply by way of affidavit of the Deputy Superintendent of Police, Sub Division Patti, District Tarn Taran on behalf of the respondent-State in the Court today, which is taken on record subject to all just exceptions. A copy thereof has been supplied to the counsel opposite.

5. Learned State counsel, on instructions, has vehemently opposed the prayer for grant of anticipatory bail to the petitioner and submitted that the petitioner is alleged to have induced the complainant to part with a sum of Rs.10,50,000/- on the false assurance of arranging a visa for his son. It has been submitted that two written agreements dated 28.09.2020 and 11.11.2020 have been recovered during investigation, wherein the petitioner has not only acknowledged receipt of the aforementioned amount but has also undertaken to refund the same, should the visa not be procured by the stipulated dated i.e. 26.11.2020.



6. It has also been contended by the learned State counsel that the petitioner is the direct recipient of Rs.8 lakhs through bank transfer, thereby *prima facie* hinting towards his active involvement and benefit from the alleged transaction. Learned State counsel has prayed for dismissal of the instant petition as custodial interrogation of the petitioner is essential for a fair and comprehensive investigation, particularly to unearth the extent of the alleged conspiracy and trace the remaining funds.

7. I have heard learned counsel for the petitioner and perused the relevant material placed on record.

8. A perusal of the FIR and supporting documents placed on record discloses specific and detailed allegations of cheating and criminal breach of trust. The petitioner, in alleged connivance with the co-accused, is stated to have induced the complainant to pay a substantial amount on the assurance of arranging a visa, which ultimately did not materialize. The recovery of written agreements, acknowledging receipt of funds and containing a refund clause further supports the version put forth by the prosecution, at this stage.

9. Moreover, it is not disputed that the sum of Rs.8 lakhs was transferred into the personal bank account of the petitioner. Whether the subsequent transfer to the account of another person exonerates the petitioner is a matter of investigation and cannot be determined conclusively at this stage. The argument, that the dispute is purely civil in nature, does not



hold merit in light of the allegations, which reflects a calculated and fraudulent inducement resulting in wrongful loss to the complainant.

10. Considering the gravity of the allegations, the direct financial benefit accrued to the petitioner, and the requirement for thorough custodial investigation to unravel the entire *modus operandi*, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner.

11. Accordingly, the instant petition stands dismissed.

12. 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.

May 26, 2025
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No