



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

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**CRM-M No.22925 of 2025
Date of decision : 14.7.2025**

Kuldeep Singh**.....Petitioner****Versus****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Satya Pal Bansal, Advocate and
Mr. R.K. Malik, Advocate, for the petitioner
Mr. Jatinder Pal Singh, Senior DAG, Punjab
Mr. G.S. Sethi, Advocate, for the complainant

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.51 dated 12.7.2024, under Sections 420, 120-B of the IPC and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012, registered at Police Station Ghall Khurd, District Ferozepur.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'To the Hon'ble SSP, Ferozepur. Sub: Complaint against (1) Kuldeep Singh son of Gamdur Singh (2) Simrandeep wife of Kuldeep Singh residents of Village Bargadi, District Faridkot (3) Malkit Singh (4) Baljit Singh sons of Jarnail Singh, residents of Village Chandar, P.S. Ghall Khurd. Sir, it is respectfully submitted that I Ranjit Singh son of Gurmail Singh, am resident of Village Bhamba Ladda, P.S. Ghall Khurd, District



Faridkot. That I am doing work of Network Marketing since 2023. I was informed about this work by above named Malkit Singh and Baljit Singh, both brothers, who were senior to me in Network Marketing. That one day, while conversing, above named both brothers asked me about the work of my children. I told them that my son Paramjit Singh is willing to go abroad and I have submitted his file for England visa. After a few days thereafter, Malkit Singh etc. talked to Rachpal Singh son of Ujagar Singh resident of Village Shakur, who is also doing network marketing, informing him that their acquaintance Kuldeep Singh and his wife Simran Kaur are doing work of selling people abroad, who can very send son of Ranjit Singh very easily to Canada. Thereafter, Malkit Singh and Baljit Singh, both brothers introduced us to Kuldeep Singh and his wife Simrandeep Kaur at the house of my known Rachhpal Singh in Village Shakur, who told us that their Bua (paternal aunt) is having Hargobind Transport Company in Winnipeg, Canada, in which they are plying about 400 trolleys and very often they used to call LMI and send children to Canada. And for sending to Canada and getting PR, total expenses would be of Rs.30.00 lacs, out of which Rs.15.00 lacs would be paid in advance while remaining Rs.15.00 lacs are required to be paid after receipt of Visa. Since Malkit Singh and Baljit Singh both brothers, were seniors to me and when they themselves took responsibility of Kuldeep Singh and his wife, believing in good faith, I got ready to process file of my son through Kuldeep Singh. Thereafter, on the asking of Kuldeep Singh, we went to his house in Village Bargadi, District Faridkot, where Kuldeep Singh etc. showed us copies of already obtained visas and LMIs. Believing in good faith, I got cancelled file of my son for England visa and gave the same to Kuldeep Singh etc. for further processing. Kuldeep Singh and his wife obtained passport and other related documents of my son and Rs.8.00 lacs in two instalments in cash after coming to our house in Village Bhamba Ladda and Rs.7.00 lacs were subsequently transferred to Punjab and Sind Bank A/c No. 12701000005212 of Kuldeep Singh. Within 15 days of payment, Kuldeep Singh etc. got conducted medical examination of my son within 15 days. On account of this, we talked to our one more acquaintance Sukhbir Singh son of Harinder Singh resident of Ferozepur, who was interested to present file of his son Arshdeep Singh for getting Canadian visa, and then introduced him to Kuldeep Singh etc., who agreed to charge Rs.12.00 lacs for sending the boy abroad (i.e., Rs.6.00



lacs in advance and remaining on receipt of vis). Rs.6.00 lacs were transferred through bank transfer. On 14th December 2023, Kuldeep Singh sent photo of Canadian visa of Arshdeep Singh. On getting suspicious, we got the visa checked. At this, it was found fake one. At this, we called above named Kuldeep Singh and his wife to our house on the very next day i.e., 15th Dec 2023 and informed them about the visa being a fake one, but they did not give any explanation. Thereafter, Kuldeep Singh and his wife brought respectable persons of their village at our house, who informed us that Kuldeep Singh and his have earlier also played similar type of fraud with many other persons and therefore, they assured us that our money would be got returned within one month. Kuldeep Singh and his wife in the presence of panchayat members, agreed that they would return our money within one month, but till date they have not returned our money. Now we have come to know that Malkit Singh and Baljit Singh were conniving with Kuldeep Singh and his wife Simrandeep Kaur, who intentionally introduced us to Kuldeep Singh and thereby played fraud upon us, who are first introducing people with Kuldeep Singh etc. and thereafter receive their share later. You are therefore, requested to take legal action against Kuldeep Singh, Simrandeep Kaur for playing fraud upon me and Malkit Singh and Baljit Singh for helping the accused persons and I be given justice. Sd/- Ranjit Singh son of Gurmail Singh, resident of Bhamba Ladda, P.S. Ghall Khurd, District Ferozepur (Mobile No. 97816-20365). Dated 16.04.2024. Senior Superintendent of Police, No. UID 352944 dated 18.05.2024, '

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 27.1.2025. Learned counsel has further submitted that the petitioner had received an amount of ₹7 lakhs in his account for sending the son of the complainant abroad for which efforts were made by him but he could not succeed. Learned counsel has further submitted that, in order to show his *bona fide*, the petitioner had returned an amount of ₹2 lakhs as well but is unable to return further amount. Learned counsel for the petitioner has further submitted that investigation in case is complete



and challan already stands presented. Learned counsel has further submitted that though earlier FIR(s) was registered against the petitioner but the petitioner had settled even one such FIR. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 12.7.2025 in Court, which is taken on record.

4.1. Learned counsel for the complainant has urged that, keeping in view the antecedents of the petitioner, especially of his being involved in similar like offences earlier, he ought not to be extended the concession of regular bail. Learned counsel has further iterated that the complainant is yet to receive the entire amount.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 27.1.2025. whereinafter investigation was carried out and challan stands presented on 21.3.2025, wherein 10 prosecution witnesses have been cited. It is not in dispute that no witness has been examined till date. It is thus, indubitable that conclusion of the trial will take its own time. No doubt, as per the admitted case of the petitioner, he had taken ₹7 lakhs from the complainant and has returned ₹2 lakhs out of the said amount. However, this factum itself is not sufficient ground for rejecting the regular bail to



the petitioner who has suffered incarceration for about six months and the offence(s) involves magisterial trial.

7. At this juncture, it would be apposite to refer herein to a judgment of the Hon'ble Supreme Court titled as ***Gudikanti Narasimhulu and others vs. Public Prosecutor, High Court of Andhra Pradesh AIR 1978 SUPREME COURT 429***, relevant whereof reads as under:

“10. The significance and sweep of Article 21 make the deprivation of liberty a matter of grave concern and permissible only when the law authorising it is reasonable, even-handed and geared to the goals of community good and State necessity spelt out in Article 19. Indeed, the considerations I have set out as criteria are germane to the constitutional proposition I have deduced. Reasonableness postulates intelligent care and predicates that deprivation of freedom- by refusal of bail is not for punitive purpose but for the bi-focal interests of justice-to the individual involved and society affected.

11. We must weigh the contrary factors to answer the test of reasonableness, subject to the need for securing the presence, of the bail applicant. It makes sense to assume that a man on bail has a better chance to prepare or present his case than one remanded in custody. And if public justice is to be promoted, mechanical detention should be close to ours, the function of bail is limited, 'community roots' of the, applicant are stressed and, after the Vera Foundation's Manhattan Bail Project, monetary suretyship is losing ground. The considerable public expense in keeping in custody where no danger of disappearance or disturbance can arise, is not a negligible consideration. Equally important is the deplorable condition, verging on. the inhuman, of our sub-jails, that the unrewarding cruelty and expensive custody of avoidable incarceration makes refusal of bail unreasonable and a Policy favouring release justly sensible.

12. A few other weighty factors deserve reference. All deprivation of liberty is validated by social defence and individual correction along an anti-criminal direction. Public justice is central to the whole scheme of bail law. Fleeing justice must be forbidden but punitive harshness should be minimised. Restorative devices to redeem the man, even,



through community service, meditative drill, study classes or other resources should be innovated, and playing foul with public peace by tampering with evidence, intimidating witnesses or committing offence while on judicially sanctioned 'free enterprise,' should be provided against. No seeker of justice shall play confidence tricks on the court or community. Thus, conditions may be hung around bail orders, not to cripple but to protect. Such is the holistic jurisdiction and humanistic orientation invoked by the judicial discretion correlated to the values of our constitution.”

7.1. Further, the Hon’ble Supreme Court in a judgment titled as ***Gurcharan Singh vs. State (UT of Delhi) 1978 (1) SCC 118***, has held as under:-

*“Where the granting of bail lies within the discretion of the **court**, the granting or denial is regulated, to a large extent, by the facts and circumstances of each particular case. Since the object of the detention or imprisonment of the accused is to secure his appearance and submission to the jurisdiction and the judgment of the **court**, the primary inquiry is whether a recognizance or bond would effect that end.”*

7.2. Furthermore, the Hon’ble Supreme Court in a judgment titled as ***Sanjay Chandra vs. CBI (2012) 1 SCC 40***, has held as under:

“21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.

22. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some un-convicted persons should be held in custody pending trial to secure their attendance at the



trial but in such cases, “necessity” is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances.”

8. As per custody certificate dated 12.7.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of about five months and six days. Further, as per the said custody certificate, the petitioner is stated to be involved in three other complaints pertaining to Negotiable Instruments Act, 1881. Learned State counsel (on instructions) has brought to the notice of this Court that two other FIRs were registered but the same are not reflected in the custody certificate as one stood quashed on the basis of compromise and in other, the petitioner was extended the concession of anticipatory bail.

8.1. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon’ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***; a Division Bench judgment of the Hon’ble Calcutta High Court in case of ***Sridhar Das v. State, 1998 (2) RCR (Criminal)***



477 & judgments of this Court in ***CRM-M No.38822-2022*** titled as ***Akhilesh Singh v. State of Haryana***, decided on 29.11.2021, and ***Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191.***

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

9. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

10. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the



State/complainant shall be at liberty to move cancellation of bail of the petitioner.

- 11. Ordered accordingly.
- 12. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

14.7.2025
Ashwani

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No