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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.25147 of 2025
Date of decision: 08.05.2025

Butta Singh ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sanjay Verma, Advocate,
for the petitioner.

Ms. Himani Arora, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
0062	25.07.2024	Julkan, District Patiala	406, 420 and 120-B of IPC (now 316(2), 318(4) and 61(2) of the Bharatiya Nyaya Sanhita, 2023) (For short “BNS”)

2. As per the allegations, the petitioner had induced the complainant Balwant Singh to part with a sum of Rs.15,50,000/- on the pretext of sending his son Manish Singh to USA. He had sent the son of the complainant to Serbia from where he was set to Armenia and then to

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Austria. From Austria he had reached Itlay at his own. At that time, the petitioner had started raising demand of another amount of Rs.22 lakhs and otherwise threatened to not to send his son to USA. The complainant assured that he would give this amount only if his son reached USA. At that point of time the petitioner had started raising demand of more money and blackmailing him and left his son in lurch at Spain. While alleging that he had been cheated by the petitioner and future of his son was put at danger by him, the complainant prayed for taking action. On his complaint, the aforementioned FIR was registered. Investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of pre arrest bail which was dismissed by the Court of learned Additional Sessions Judge, Patiala vide order dated 01.05.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is working as a Pathi at Gurudwara Sahib, Mohali and is not indulged in the business of sending people abroad. False allegations have been levelled against him. No money has been received by him from the complainant. The petitioner had given an amount of Rs.10 lakhs to the complainant for his treatment but it has been wrongly represented by the complainant that the said amount was retured by him out of the money taken by him. He is ready to join the investigation. His custodial interrogation is not required. No

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recovery is to be effected from him. The complainant has entered into a compromise with the co-accused who have been extended benefit of bail. With these broad submissions, it is urged that he deserves to be extended benefit of pre arrest bail.

4. Notice of motion.

5. Ms. Himani Arora, AAG, Punjab has advance notice of the petition and is ready to argue the matter. It is submitted by her that there are serious and specific allegations against the petitioner. The allegations prima facie show his involvement in the offence of cheating the complainant and inducing him to pay a huge amount of money for the purpose of sending his son abroad by making a false representations. His custodial interrogation is required for conducting thorough and proper investigation in the matter. No extraordinary or exceptional circumstance for grant of bail has been made out. Accordingly, it is urged that he does not deserve to be extended benefit of pre arrest bail.

6. This Court has considered the rival submissions.

7. The petitioner is alleged to have induced the complainant to part with a sum of Rs.15,50,000/- on the pretext that he would make arrangement for sending his son Manveer Singh to USA. However, after sending his son to some other countries, he is alleged to have raised demand of another amount of Rs.22 lakhs and on inability on the part of the complainant to meet with this demand, the son of the complainant is

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alleged to have been left at Spain by the petitioner. The allegations against him are serious in nature. Every other day one hears instances of the innocent public persons’ being duped of their hard earned money in the name of sending them/their family members abroad. For conducting thorough investigation in the matter, the custodial interrogation of the petitioner is must. The custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. More so, no extraordinary or exceptional circumstance warranting exercise of the powers for grant of anticipatory bail by this Court has been made out in favour of the petitioner. As such, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

08.05.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No