

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

226

CRM-M-26274-2025
Date of decision: 20.05.2025

RAHUL SINGHPetitioner

Versus

STATE OF PUNJAB ...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. K.S. Nalwa, Advocate,
Mr. Lalit Sharma, Advocate,
Ms. Ashima Attri, Advocate and
Mr. V.S. Bajwa, Advocate
for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH. J.(Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Rahul Singh	26	03.02.2024	420, 406, 120-B of IPC	Sardulgarh	Mansa

2. Learned counsel for the petitioner contends that as per the allegations



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levelled in FIR, complainant has paid an amount of Rs.,11,68,000/-, about three years back in November 2019, for the education visa of his daughter Amandeep Kaur. Said amount was paid after having conversation with accused namely Rahul Singh working in CK Immigration and also to accused Charanpreet Singh.

By referring to the contents of the FIR, counsel submits that it is an admitted case of the complainant himself that an amount of Rs.4 lakhs was deposited into the bank account of the petitioner, and the said amount was subsequently transferred via RTGS to the bank account of a university in Australia.

Therefore, the petitioner cannot be prosecuted on charges of cheating the complainant. Counsel also pointed out that when the visa was rejected and the complainant's daughter could not secure admission to the university, an amount of Rs. 4,04,000/- was refunded to the complainant's bank account. Accordingly, the present FIR has been registered against the petitioner with respect to the remaining/balance amount of Rs. 8,29,000/-.

3. Counsel further submits that there is no element of *mala fide* in the present case; therefore, *prima facie*, no offence under Sections 420 and 406 of the IPC is made out against the petitioner. Petitioner has not gained any monetary benefit even as per the allegations levelled in the FIR.

4. Counsel also submits that the FIR was got lodged after a period of three years, when the complainant could not have filed the suit for recovery even.

All the offences are triable by the Court of Magistrate and despite of registration of the FIR in February, 2024, till date investigation has not been completed, whereas, petitioner is lying inside the jail.



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Additional, it is also pointed out that petitioner's wife namely Pooja Sharma is on family way and her expected date of delivery is 12.06.2025 and at this point of time, she requires someone near and dear to look after her needs.

Thus, prays for releasing the petitioner on regular bail.

5. On the other hand, while opposing the prayer for bail, learned State counsel submits that in fact the complainant has been cheated upon and petitioner does not deserve any sympathy. He cannot draw the benefit of bail, once investigation is still under way. However, there is no denial that petitioner is not an habitual offender, as he is not involved in any other similar kind of activity.

6. Considering the totality of circumstances, the facts and allegations leveled against the petitioner, and the factors discussed hereinabove, and also taking into account the fact that petitioner's wife is pregnant and her delivery is due in a few days, the presence of the petitioner is of significant importance. Further incarceration of the petitioner is not likely to serve any fruitful purpose. Therefore, this Court deems it appropriate to grant the concession of regular bail to the petitioner.

Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

7. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

8. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to



decide the case on the basis of complete evidence available on record.

9. Petition stands disposed of.

20.05.2025
amandeep

(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No