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

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CRM-M-31025-2025 (O&M)

Date of decision: 16.07.2025

Rajni Bala and another**...Petitioners****Versus****State of Punjab and another****...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Vivek K. Thakur, Advocate
for the petitioners.

Ms. Sakshi Bakshi, AAG, Punjab.

Ms. Kashish Thakur, Advocate
for respondent No. 2/complainant.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioners under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) seeking anticipatory bail in case bearing FIR No. 52 dated 21.08.2024, registered under Sections 420 and 406 of IPC and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014 at Police Station Bholath, District Kapurthala.

2. The petitioners have been booked under the aforementioned FIR on the allegations that they along with co-accused had duped the complainant of a huge sum of money on the pretext of sending his son Sagar abroad. He was sent through *dunki* route to Belarus from Russia and then to Germany. The complainant lost his contact with his son on 27.02.2024 and subsequently received a message that he was no more.

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3. The previous petition filed by the petitioners, bearing number ***CRM-M-51412-2024***, had been dismissed by this Court on 08.11.2024 by making following observations:

“7. As per the allegations, the petitioners in conspiracy with the coaccused Jinder Kumar had induced the complainant to part with a huge amount of money on the pretext of sending his son to Europe through Russia and had sent his son to Russia through illegal route by alluring the complainant to get him settled in Europe. On daily basis, one hears instances of such like innocent persons being defrauded and cheated by unscrupulous persons on being allured for sending their wards abroad. The complainant has not been even in contact with his son and as per the respondent-State, information about his death on 29.02.2024 has been received, though it is yet to be confirmed that the dead body as received was of the son of the complainant. The petitioners had collected money from the complainant on the pretext of giving the same to accused Jinder Kumar. Though during the course of inquiry, two persons namely Gaurav Kumar and Jinder Kumar were found to be involved in commission of subject offences, however, on conducting further investigation, the complicity of the petitioners in the subject crime has been prima facie made out. For conducting thorough investigation in the matter, the custodial interrogation of the petitioner is must. It is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but for several other purposes also. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly in exceptional circumstances. The

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judicial discretion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extraordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.”

4. The instant petition has been filed by the petitioners on the ground that now a compromise has arrived at between the parties and a petition seeking quashing of the aforementioned FIR on the basis of the said compromise has also been filed before this Court, which is pending for 03.11.2025. It is submitted that circumstances have changed. Complainant Bobby Chand has also executed a written compromise in favour of the petitioners. It is, therefore, urged that in view of the changed circumstances, the petitioners deserve to be extended benefit of pre-arrest bail.

5. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that the previous petition filed by the petitioners had been dismissed by

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passing a detailed order. No substantial change or change of circumstance is made out. It is, therefore, urged that the petition is liable to be dismissed.

6. Learned counsel for respondent No.2/complainant has, however, affirmed the factum of compromise having arrived at between the parties. While placing on record a copy of order dated 07.07.2025 passed by this Court in **CRM-M-34818-2025**, whereby prayer has been made by the petitioner to quash the present FIR on the basis of the said compromise, it is submitted that respondent No. 2 has no objection if the present petition is allowed.

7. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

8. The petitioners are stated to have given an amount of Rs. 25 Lakhs to the complainant in pursuance of a compromise, which is effected between them. A petition seeking quashing of the FIR by way of compromise has also been filed before this Court. Learned counsel for respondent No. 2 has affirmed the factum of compromise arrived at between the parties. Keeping in view these facts, I am of the considered opinion that a case is made out in favour of the petitioners for grant pre-arrest bail. Accordingly, the present petition is allowed. The petitioners are granted concession of anticipatory bail, subject to the compliance of conditions envisaged under Section 482(2) of BNSS. They are directed to appear before the Investigating/Arresting Officer to join investigation within a period of ten days from today or as and when subsequently required thereafter. In the event

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of their arrest, the Investigating/Arresting Officer shall release them on bail subject to his/her satisfaction.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

16.07.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No