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CRM-M-31636-2025
Date of decision: 07.08.2025

...PETITIONER

VERSUS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr.Vinod Kumar, Advocate for the petitioner.

Mr. Akshay Kumar, Asst. AG, Punjab.

Mr. JJS Uppal, Advocate
for respondent No.2-complainant.

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ANOOP CHITKARA, J. (ORAL)

FIR No.	Dated	Police Station	Sections
143	10.12.2023	Anandpur Sahib, District Rupnagar	406/420 IPC and 24 of Immigration Act

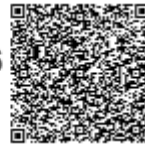
1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. Per paragraph 16 of the bail application and para 4-H of the reply, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	104	07.08.2023	406/420 IPC and 24 of Immigration Act	Dasuha, District Hoshiarpur
2.	201	25.07.2023	406/420 IPC and 24 of Immigration Act	Tanda, District Hoshiarpur
3.	102	19.12.2023	323/324/34/506 IPC	Hajipur, District Hoshiarpur
4.	18	14.12.2025	316(2) of BNS, 2023	Mukerian, District Hoshiarpur

3. The facts and allegations are being taken from para 3 of the bail petition, which reads as follows:

“That brief facts of the present case are the present case got registered on the statement of respondent No.2/ complainant with the allegations that and the petitioner thereby dishonestly induced him to the pretext of deliver ₹24,00,000/- sending him on abroad (Canada), out of which respondent



NO.2/ complainant has paid ₹4,97,000/- to the petitioner through bank transactions, but he has neither abroad nor sent the complainant returned his amount. Complainant moved an application before SSP Hoshiarpur for taking action against the petitioner on 27.05.2021, where petitioner entered into a compromise dated 21.06.2021 and agreed to return the amount of complainant in installments, but he has not returned any amount to the complainant. Thereafter respondent NO.2/ complainant has filed application before SSP, Rupnagar for taking action against the petitioner, which was marked to DSP, Special Branch, Rupnagar for inquiry and a compromise was again effected between the parties whereby petitioner has agreed to return the amount in installments and he has already returned 1,50,000/- to the and the remaining amount of complainant 1,25,000/- will be paid on and ₹1,30,000/- 10.07.2022 will be paid on 08.08.2022, but he has not fulfilled the said agreement. It is further alleged that petitioner again with the entered into a complainant on compromise 04.08.2023, whereby he has agreed to pay ₹1,00,000/- on 10.08.2023 and ₹1,00,000/- on 30.09.2023, but again the petitioner did not make the payment as per the said compromise. Rather he has dishonestly induced the respondent NO.2/complainant and thereby cheated him to deliver 24,97,000/- on the pretext of sending the complainant abroad. The return ₹1,50,000/- out of the said amount by the petitioner to respondent NO.2/complainant of rather shows that the petitioner has received the amount from the complainant dishonestly. Nutshell with these allegations the present case got registered against the petitioner.”

4. The petitioner's Counsel submits that the matter stands compromised with the victim.
5. Counsel for the complainant has handed over the affidavit in Court today, which is taken on record and he also admits the factum of compromise and states that they have no objection to the petitioner's bail.
6. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.
7. The State's counsel opposes bail and refers to the reply.
8. It would be appropriate to refer to the following portions of the reply, which read as follows:

“ G. It is respectfully submitted that Petitioner-Parminster Singh induced the Complainant-respondent No.2 to deliver him Rs.24,00,000/- for sending him Canada and received Rs.4,52,000/- from him, (Rs.4,97,000/- as per complainant-respondent No.2), however, he failed to send him to Canada.”



REASONING:

9. Because of no objection to the bail by the victim(s), this Court is inclined to grant bail with clarification that this bail on compromise shall not amount to the acceptance of compromise by the prosecution or the Court.
10. Given the compromise, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.
11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.
12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. This order is subject to the petitioner's complying with the following terms.
14. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.
15. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.



16. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

17. *This bail is conditional, and the foundational condition is that if the petitioners indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.*

18. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

19. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

20. Petition allowed in terms mentioned above. All pending applications, if any, stand disposed of.

07.08.2025
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(ANOOP CHITKARA)
JUDGE

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