



CRM-M-31859-2025

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**(210) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-31859-2025

Date of decision : 09.12.2025

BALKARAN SINGH AND ANR.

... Petitioners

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Jasmail Singh Brar, Advocate for the petitioners

Ms. Sakshi Bakshi, AAG, Punjab

Mr. Arshdeep Singh Brar, Advocate for the complainant

MANISHA BATRA, J.

1. The instant petition has been filed by the petitioners under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of anticipatory bail in case arising out of FIR No.84, dated 08.05.2025 under Section 318(4) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Baghapurana, District Moga, on the allegations that the complainant-Gurjit Singh was interested to settle abroad. He was informed by someone that Simranjeet Kaur, daughter of the present petitioners had done her PTA Course and was also interested to go on study visa to Canada, but her family was unable to afford the expenses. The families of the complainant and the petitioners had met and a written agreement was executed between them,

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as per which it was settled that the daughter of the present petitioners i.e. Simranjit Kaur would be sent to Canada on study basis and her entire expenses will be borne by the complainant and in lieu thereof, she would get married with the complainant and would call him to Canada. Their ring ceremony was performed on 12.02.2024. She was married with the complainant on 23.2.2024. One year study visa as well as work permit was arranged for Simranjit Kaur, daughter of the petitioners and she went to Canada on 19.03.2024. All the expenses of marriage and for sending her abroad as well as expenses for paying the fee for her study visa had been borne by the complainant/his family and in this manner an amount of Rs.45,00,000/- had been spent by them. After reaching Canada, Simranjit Kaur flatly refused to call the complainant and started talking about obtaining a divorce from him. The complainant and his family asked for the money given to the petitioners as well as to Simranjit Kaur, but the petitioners bluntly refused to do so. By alleging that he had been duped at the hands of the petitioners and their daughter, the complainant prayed for taking action in the matter.

2. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending their arrest, the petitioners jointly filed an application for grant of anticipatory bail, which has been dismissed by the Court of learned Additional Sessions Judge, Moga vide order dated 02.06.2025.

3. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case being parents of Simranjit Kaur. Neither they have deceived the complainant nor he was fraudulently or

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dishonestly induced by them to pay any amount of money. There is nothing on record to show that they had any intent to cheat the complainant at the beginning. The petitioners have paid an amount of Rs.11 lakhs to the complainant before lodging of FIR. Cheque for an amount of Rs.4.10 lakhs as obtained from the petitioner No.1 by the complainant has also been got encashed. One blank cheque of the petitioner No.1 is still in possession of the complainant. No money whatsoever was given by the complainant to the petitioner No.2 and money that was transferred in account of petitioner No.1 had been spent for sending the daughter of the petitioners abroad and not for any other purpose. The complainant could not be sponsored by their daughter to Canada, since the Canadian Government has changed Spousal Work Permit Policy (SOWP) and the complainant on coming to know about this fact, has even moved application for getting back the money deposited with the Canadian Embassy. The life of their daughter has been ruined by the complainant. The provisions of Section 318(4) of BNS are not at all attracted against the petitioners. Rather they are the victims. They are ready to join the investigation. Their custodial interrogation is not required. No recovery is to be effected from them. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. Learned State counsel assisted by learned counsel for the complainant stated that there are serious allegations against the petitioners. They in connivance with their daughter had induced the complainant to part with an amount of Rs.45,00,000/-. They are liable to make good the financial

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loss of the complainant. The money paid by the complainant to the petitioners is liable to be recovered and for that purpose, his custodial interrogation is required. No exceptional circumstance for grant of bail is made out. It is, therefore, stressed that the petition does not deserve to be allowed.

5. This Court has heard rival submissions made by both the parties.

6. The petitioners alongwith their daughter are alleged to have entered into an agreement with the complainant to perform the marriage of Simranjit Kaur with the complainant, in lieu of performing marriage with her and are alleged to have agreed that they would send their daughter abroad and she would sponsor the complainant; whereas she is not alleged to have done so. Learned counsel for the complainant has not controverted the fact that an amount of Rs.15.10 lakhs has been given back by the petitioner to the complainant. There is also no material on record to show that any money was transferred in the bank account of the petitioner No.2 or was handed over to her. On going through the allegations as levelled in the FIR, it is a question required to be considered as to whether the ingredients for commission of offence of cheating are attracted at all or not? Given the nature of the allegations, this Court is of the considered opinion that pre-trial incarceration of the petitioners is not required. It is well settled proposition of law that pre-trial incarceration should not be a replica of post-conviction sentencing. Taking into consideration the above discussed facts, this Court is of the considered opinion that the petition deserves to be

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allowed. The same is accordingly allowed subject to the petitioners' surrendering before the Investigating Officer/Arresting Officer of this case within a period of 15 days from today and joining investigation within that period and also subsequently, as and when required and subject to furnishing personal as well as surety bonds to the satisfaction of the Investigating/Arresting Officer. They will also not tamper with any evidence, will not pressurize, induce, extend threats to any witness acquainted with the facts and circumstances of the case, will not leave the country, during investigation and trial of the case, except after seeking permission from the trial Court, shall disclose the details of their Aadhar Card No., Passport No., cellphone No., while furnishing bond to the learned trial Court and shall also abide by all the terms and conditions as envisaged under Section 482(2) of BNSS.

7. In the event of there being any FIR/complaint lodged against the petitioners, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

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

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

09.12.2025
Amit Sharma

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