



CRM-M-36273-2025

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**104 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-36273-2025

Decided on: 21.07.2025

Harjinder Singh @ Sonu

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Puneet Kumar Bansal, Advocate, for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No.113 dated 15.04.2025, registered under Sections 420, 120-B IPC, Section 24 of the Immigration Act, at Police Station City Ferozepur District Ferozepur.

2. Succinctly facts of the case are that the FIR in the present case was registered on the statement of Tarsem Singh. It was alleged that the complainant was known to Sonu (petitioner) since long. Sonu told him that he had good relations with one Vikas, who works of sending people to Canada on work permit. Sonu promised the complainant that he would make arrangement for sending him Canada on work permit and demanded Rs.30 lacs. However, the deal was finalized for Rs.28 lacs. It was alleged that the complainant handed over his documents like Adhaar Card, Pan Card under his signature and blank cheques etc. alongwith Rs.2,20,000/- in cash to Sonu i.e. the petitioner. However, neither his documents and money were returned nor visa was delivered to him. Thus, request was made to take legal action against the accused. On the registration of the FIR, the



investigation commenced. Apprehending arrest, the petitioner approached the Court of learned Additional Sessions Judge, (Fast Track Court, exclusively dealing with rape cases), Ferozepur, for the grant of anticipatory bail. Learned Court after hearing both the sides, finding no merit in the petition filed by the petitioner, dismissed the same vide order dated 13.06.2025. Hence, aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that the FIR has been lodged after an unexplained delay of four years. He submits that the petitioner has been implicated in the present case only being the brother of Sukhwinder Singh i.e. the main accused. He submits that neither the petitioner has any role to play in the alleged offence, nor he is beneficiary to the same. He submits that the petitioner is ready to join the investigation, in case his prayer for grant of anticipatory bail is considered. He, thus, submits that in the overall facts and circumstances, the petitioner deserves to be granted anticipatory bail.

4. Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that there are specific allegations against the petitioner in the FIR and thus, his complicity is *prima facie*, established. He, thus, submits that no case for the grant of anticipatory bail to the petitioner is made out.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner is not only named in the FIR, but there are specific allegations against him to the effect that he took the



complainant in confidence and strike a deal for Rs.28 lacs for providing the complainant work visa of Canada. The complainant handed over the petitioner all the relevant documents like Adhaar Card, Pan Card under his signature and blank cheques etc. Neither the complainant was provided with visa, nor his money as well as documents were returned to him. The cases of such like nature are on rise. Investigation of the case is at the initial stage. The Court cannot ignore the gravity of the offence involved in the present case.

6. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) of BNSS which reads as under:-

482“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
 - (i) *a condition that the person shall make himself available for interrogation by a police officer as and when required;*
 - (ii) *a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
 - (iii) *a condition that the person shall not leave India without the previous permission of the Court;*
 - (iv) *such other condition as may be imposed under sub-section (3)*



of section 480, as if the bail were granted under that section.”

7. Hon'ble Supreme Court in **State represented by CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under [Section 438](#) if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in task of disintering offences would not conduct themselves as offenders.”

8. Hon'ble Apex Court in plethora of judicial precedents including **Gurbaksh Singh Sibbia Vs. State of Punjab**, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

9. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.
10. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, the petition being devoid of any merit is hereby dismissed.
11. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

21.07.2025

sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)

JUDGE

: Yes/No
: Yes/No