

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39317-2025
Reserved on: 01.10.2025
Pronounced on: 27.10.2025

Balraj Kaur @ Mahi Gill ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rohit Singla, Advocate
for the petitioner.

Mr. J.S.Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0161	26.06.2024	Mataur, SAS Nagar	406/420/120-B IPC and Section 24 of Immigration Act

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. Per paragraph 7 of the bail application and 11 of the status report, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date/ Year	Offenses	Police Station
1	21	2024	406/420/120-B IPC and Section 24 of Immigration Act	Mataur, District SAS Nagar
2	67	2024	406/420/120-B IPC and Section 24 of Immigration Act	Mataur, District SAS Nagar
3	71	2024	406/420/120-B IPC and Section 24 of Immigration Act	Mataur, District SAS Nagar
4	72	2024	406/420/120-B IPC and Section 24 of Immigration Act	Mataur, District SAS Nagar
5	73	2024	406/420/120-B IPC and Section 24 of Immigration Act	Mataur, District SAS Nagar
6	86	2024	406/420/120-B IPC and Section 24 of Immigration Act	Mataur, District SAS Nagar

7	107	2024	406/420/120-B IPC and Section 24 of Immigration Act	Mataur, District SAS Nagar
8	156	2024	406/420/120-B IPC and Section 24 of Immigration Act	Mataur, District SAS Nagar
9	173	2024	406/420/120-B IPC and Section 24 of Immigration Act	Mataur, District SAS Nagar
10	181	2024	406/420/120-B IPC and Section 24 of Immigration Act	Mataur, District SAS Nagar

3. The facts and allegations are being taken from the translated version of FIR, Annexure P-1, which reads as follows:

“Copy of complaint bearing no. 0320/P/SSP dated 6/7/24, from Rajwant Kaur wife of Tarandeep Singh Grewal resident of House No. 2194, Sector 71, Mohali, "The Senior Superintendent of Police, SAS Nagar, Mohali, Distt Mohali (Punjab) Sub: Complaint for lodging FIR on immigration fraud by owners of "The Visa Land" SCO 523, 524, 2nd Floor, Sector 70, Mohali namely Kulbir Singh Kaura, Reet Kaur Kaura W/o Kulbir Singh Kaura and Nishan Singh S/o Gurmukh Singh & other board of Directors of Company along with their associated workers listed in complaint for making false promises, doing fraud & cheating on the pretext of sending abroad and duping with hefty amounts to the tune of Rs 19,60,000 INR and with failure to provide receipts of invoice since September, 2023, Further request to investigate to initiate refund from these company owners namely Kulbir Singh Kaura, Reet Kaur Kaura W/o Kulbir Singh Kaura and Nishan Singh S/o Gurmukh Singh & other board of Directors of Company. Sir, Respectfully submitted that the undersigned is an accused by the owners of "The Visa Land" SCO 523, 524, 2nd Floor, Sector 70. Mohali namely Kulbir Singh Kaura, Reet Kaur Kaura W/o Kulbir Singh Kaura and Nishan Singh S/o Gurmukh Singh & other board of Directors of Company along-with their associated workers listed below on context of immigration purposes for sending abroad and duping with hefty amounts to the tune of Rs 19,60,000 INR and with failure to provide receipts of invoices for the payments to the tune of Rs. 14,00,000 INR since September, 2023. Upon repeatedly visiting the company office, it has now come to notice that already serious fraud investigations are already running and the office of the company has been sealed by the Police authorities in other cases. Apart from the owners of the company, the following persons attended us and ensure for the services as well as receipts of the payments took in cash namely Mr S P Sandhu, Mr Jashandeep Singh, Ms Jaspreet Kaur, Ms Mahi, Mr Rishab. The substantiative receipts of the payments to the tune of Rs. 5,60,000 INR is attached as per Annexure A-1 for ready reference. Since, we dispose of our ornaments to pay the payments of cash payment of Rs. 14,00,000 INR. It is therefore requested to lodge an FIR against the company, company owners and associated employees who entered into false promises, did fraud and cheated with conspired intentions on the context of immigration purposes under the prevailing sections of the IPC. It is also requested to initiate the investigation in the matter and may file the chargesheet within the time frame of 60 days from the date of lodging of FIR before the Hon'ble Court against OWNERS OF "The Visa Land" SCO 523, 524, 2nd Floor, Sector 70, Mohali namely Kulbir Singh Kaura, Reet Kaur Kaura Wie Kulbir Singh Kaura and Nishan Singh S/o Gurmukh Singh & other board of

Directors of Company along-with their associated workers listed in complaint for making false promises, doing fraud & cheating with conspired intentions on context of immigration purposes for sending abroad and duping with hefty amounts to the tune of Rs 19,60,000 INR and allow our refunds It is relevant to mention here that the company's premises was installed with CCTV cameras Expects expeditious action in the matter. Thanking you Yours Faithfully, Sd/- Rajwant Kaur (RAJWANT KAUR) W/o Tarandeep Singh Grewal Resident of H.No. 2194, Sector-71, Mohali Mb: 9876XXXXXX".

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State's counsel opposes bail and refers to the status report.

7. It would be appropriate to refer to the following portions of the status report, which read as follows:

"12. That the role attributed to the petitioner in the present case/FIR No.-171 (supra) is that she was actively associated with the affairs of the aforesaid company and along with her co-accused directly allured and induced the complainant by giving false assurances of sending them abroad, on which pretext a total sum of Rs. 30,50,000/- was fraudulently obtained from them. Further, the criminal antecedents of the petitioner clearly establish her habitual conduct, as apart from the present case, as many as 10 other FIRs of a similar nature already stand registered against her, which sufficiently demonstrates that the petitioner is a habitual offender who has been consistently duping innocent persons."

8. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing.

9. Per paragraph 6 (k) of the bail petition, the petitioner has been in custody since 07.11.2024. Per the custody certificate dated 30.09.2025, the petitioner's total custody in this FIR is 10 months and 16 days.

10. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is

alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.¹In deciding bail applications an important factor which should certainly be taken into consideration by the Court is the delay in concluding the trial.—Often this takes several years, and if the accused is denied bail but is ultimately acquitted, who will restore so many years of his life spent in custody? —Is Article 21 of the Constitution, which is the most basic of all the fundamental rights in our Constitution, not violated in such a case? —Of course this is not the only factor, but it is certainly one of the important factors in deciding whether to grant bail.² Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.³ Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.⁴ When the undertrial prisoners are detained in jail custody to an indefinite period, Article 21 of the Constitution is violated.⁵

11. Given the above, the penal provisions invoked viz-a-viz pre-trial custody, 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 further pre-trial incarceration at this stage.

12. 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. This order shall come into force from the time it is uploaded on this Court's official webpage.

13. Given the above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above, subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest *Ilaqa* Magistrate or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 10,000.

14. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, the surety is capable of producing the accused. However, instead of surety, the petitioner may provide a fixed deposit of INR 10,000/-, with a clause that the interest shall not be accumulated in FD, either drawn from a State-owned bank or any bank listed on the National Stock Exchange and/or Bombay Stock Exchange, in favour of

¹ Supreme Court of India in *Vaman Narain Ghiya v. state of Rajasthan*, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

² Supreme Court of India in *State of Kerala v. Raneef*, SC 2J [E-SCR]; [2011] 1 SCR 590, Para 4, decided on 03.01.2011.

³ Supreme Court of India in *Siddharam Satlingappa Mhetre v. State of Maharashtra*, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

⁴ Supreme Court of India in *Babu Singh & ors v. State of UP*, [E-SCR] P. 777, decided on 31.01.1978.

⁵ Supreme Court of India in *Sanjay Chandra v. CBI* , [2011] 13 (ADDL.) S.C.R. 309, Para 26, [E-SCR], decided on 23.11.2011.

the “Chief Judicial Magistrate” of the concerned Sessions Division; or a fixed deposit made in the name of the petitioner, with similar terms and with endorsement from the banker stating that the FD shall not be encumbered or redeemed without the permission of the concerned trial Court, or until the surety bond has been discharged.

15. 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)	

16. This order is subject to the petitioner’s complying with the following terms.

17. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case, or dissuade them from disclosing such facts to the Police or the Court.

18. 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.

19. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

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

21. It is clarified that this bail order shall not be considered as a blanket bail order in any other matter and is only limited to granting bail in the FIR mentioned above.

22. In Amit Rana v. State of Haryana, CRM-18469-2025 [Decided on 05.08.2025], in CRA-D-123-2020], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that “To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is

appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished.”

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

(ANOOP CHITKARA)
JUDGE

27.10.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.