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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.39413 of 2025
Date of decision: 29.10.2025

Maan Singh ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Parambir Singh Ghotra, Advocate and
Mr. Arish Bhalla, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

Ms. Harmanjit Kaur, Advocate,
for Mr. Sarabjit Singh, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under
Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short
'BNSS') seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
24	27.03.2025	Khilchian, District Amritsar Rural	420 of IPC and 13 of the Punjab Travel Professionals (Regulation) Act, 2014

2. Brief facts relevant for the purpose of disposal of this petition

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are that the aforementioned FIR was registered on the basis of complaint submitted by the complainant Lovejit Singh alleging that he had contacted the petitioner who was a travel agent for getting a work permit visa for Canada in favour of his brother Prabhjit Singh. The petitioner had told him that he could get work permit visa issued and demanded a sum of Rs.25 lakhs for this purpose. The complainant paid an amount of Rs.5 lakhs in advance and handed over passport of his brother to the petitioner. In December 2020, the petitioner told him that the work permit for Canada could not be issued and assured that he would send Prabhjit Singh to America through proper channel. For that purpose, he demanded a sum of Rs.40 lakhs. On being induced by him, the family of the complainant sold 3 acres of land belonging to them and gave the aforementioned amount of money to the petitioner. However, the petitioner did not get any visa issued in favour of his brother. The matter was reported to the police. The petitioner assured to give back the money of the complainant and told the complainant that the passport of Prabhjit Singh had been lost. The complainant got prepared a new passport. The petitioner again assured the complainant to send his brother to US but could not do so. He also failed to return the money of the complainant. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner had moved an application for grant of pre arrest bail which had been dismissed by the

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Court of learned Additional Sessions Judge, Amritsar vide order dated 23.06.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is an agriculturist. Infact, his friend Harbej Singh Gill was an immigration consultant who had got visa for USA issued for his cousin brother. The complainant came to know about this fact and had coaxed the petitioner to arrange his meeting with Harbej Singh. Only a sum of Rs.2 lakhs that was given as advance money by the complainant to Harbej Singh, was transferred by the complainant in his bank account and the same had been given to Harbej Singh. The amount of Rs.26 lakhs was also delivered to Harbej Singh and not to the petitioner. He was not beneficiary of the transaction and had simply introduced the complainant with Harbej Singh. The brother of the complainant was sent to Tanzania but had to return back as attempt to send him to America could not succeed. A false story has been concocted by the complainant. He has joined investigation and is ready to join further investigation. His custodial interrogation is not required. No recovery is to be effected from him. A compromise has been effected between the complainant and himself. With these broad submissions, it is urged that the petition deserves to be allowed.

4. Status report by the respondent-State and reply by complainant has been filed. Learned Assistant Advocate General, Punjab assisted by

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learned counsel for the complainant has argued that though the petitioner has joined investigation but did not cooperate with the same and did not get the recovery of the entire amount of money effected. It is further submitted that only small amount of money has been got recovered from him. He had duped the complainant of a huge amount of money. For the purpose of effecting recovery of the same and for thorough investigation, his custodial interrogation is must. It is, therefore, urged that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner has joined investigation on 30.07.2025 as well as on 01.10.2025. So far as the non recovery is concerned, mere non recovery of some disputed money cannot by itself be a ground for denial of bail as has also been observed by the Delhi High Court in case titled as '*Jagdish Thakkar vs. State of Delhi*', 1992 (3) CCR 2764' and in case titled as '*Pooran Singh vs. State of Delhi*', 2022(1) RCR (Criminal) 503. With regard to contention that the petitioner has not co-operated with the investigation, it may be stated that the behaviour attributed to the petitioner cannot be considered as an instance of non-cooperation, justifying denial for grant of pre-arrest bail since, an accused, while joining investigation, is not expected to make self incriminating statement under the threat that the State may seek withdrawal of the interim protection granted to him. In the considered opinion of this Court,

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the pretrial incarceration of the petitioner is not required. As such, the present petition is allowed and the petitioner is ordered to be extended benefit of anticipatory bail and the order dated 24.07.2025 is made absolute, subject to compliance of conditions laid down in Section 482(2) of BNSS and subject to furnishing of personal as well as surety bonds to the satisfaction of Investigating Officer/Arresting Officer, if the same have not been furnished so far.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

29.10.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No