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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(202)

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Date of decision: 19.09.2025

Baljinder Kaur

..... Petitioner

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Shubham Chandel, Advocate, for the petitioner.

Mr. M.S. Toor, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 of BNSS, 2023 is for the grant of anticipatory bail to the petitioner in case FIR No.0122 dated 25.05.2024 under Sections 420, 406, 120-B IPC and Section 24 of the Immigration Act registered at Police Station Mataur, District SAS Nagar.

2. The present FIR came to be registered at the instance of Gurmeet Singh son of Malkit Singh and reads as under:-

Copy of Application No. 1526/P/SSP dated 6-4-23. From Gurmeet Singh son of Malkit Singh, resident of House No.177, Guru Ramdas Enclave, Sher Singh Colony, Jalandhar, Tehsil and District Jalandhar, resident of House No. 47, Sun City, Danishmanda Basti, Police Station Division No. 5, Jalandhar, "To S.S.P. Sahib, Mohali. Subject Against Ekam Singh, Amit Kumar, Harman, Harry and Supriya. Sir, 1, Gurmeet Singh, son

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of Malkit Singh, am resident of House No.177, Guru Ramdas Enclave, Sher Singh Colony, Jalandhar, Tehsil and District Jalandhar, age 29 years, mobile number 8559098537. That I am resident of the above address and I work in a private company Vardhman. I would like to inform you that in July 2017, I was working on a television show on Josh Channel. I saw an advertisement of Properway Immigration about getting a work visa for school visa in country Canada foreign and contacted on the phone numbers 90565-00911 and 98760-34081 given by the Properway Immigration company and I spoke to a boy named Harry, who explained to us about getting a school visa in foreign country Canada and asked us to come to his office Properway Immigration SCF No. 536, Top Floor, Sector-70, District SAS Nagar and then I came to the office of the said company in Mohali on around 15, 16.07.2017, Where I found Madam Nisha and another girl named Param at the reception, and Harry told me about the school visa and said that for your child's school visa, you will get my as well as my wife visa as guardian, I have two children, an elder boy Tanveer Singh who is 6 years old and younger son Maninder Singh who is 3 years old and Harry of the above company said that your younger son can go free with him, only the embassy/file fee will be charged for the younger son. And cost of file of all your fours will be around Rs.1,20,000/- and Rs.80,000/- for showing the fund of Rs.28 lakhs and the child's first semester schooling fee was told as a total of Rs.3,02,500/- and the embassy fee for my entire family of four was told as Rs.40 thousand and the total expenditure was told as Rs.5,42,000/-At the spot, Harry demanded Rs.32 thousand from me for my son's offer letter and on Harry's request, I gave the said company Rs. 16,000/- in cash for my son's offer letter and Harry said that you should go home and deposit the remaining Rs. 16,000/-in bank account

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number 2400101002798 which is in the name of Amit Kumar. Harry also took my son's original birth certificate and our passport and original Aadhaar cards and other relevant documents from me. Then we came back to our house and deposited Rs.16,000 in the said account number of the said Amit Kumar on 21.07.2017 and after a few days, I got a call from the said company from Harman who said that he had asked for your offer letter and he also sent me a photo of the offer letter from the said company's phone number 9056500911. Then Harman told me that you should come to the office and give the remaining money and go and get funds to prepare your file. Then I came to the said company in Mohali on around 2 or 3 August 2017 and in the office, I met Harry and Harman who introduced me to Amit Kumar and Ekam Singh and said that they are the owners of our company and Harry demanded Rs. 80,000/- from me to show the funds and I told Harry that I do not have the money and I will give the money after getting the visa. But Harry took blank cheque of my PNB bank account as a security of Rs.80,000/- from me after getting my signature and then I returned to my house. Then after a few days, I got a call from Madam Supriya from the said company that my schooling visa has been received and demanded Rs.10,000/- each for the files of both me and my wife, and Rs. 10,000/- for the file of the younger child, totalling Rs.30,000/-. I told them that I will pay the file expenses of my wife and I and I will pay Rs. 10,000/- later for the file expenses of my younger son and on Harry's request I deposited Rs. 20,000/- in the said account of Amit Kumar on 16-08-2017. Then after a few days I got a call from Madam Supriya that your child's first semester school fee of Rs.3,02,500/- has to be deducted from Amit Kumar's credit card. Therefore, you should deposit Rs. 3,02,500/-in Amit Kumar's bank account number 2400101002798 and on

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29.08.2017 I got Rs. 1,47,000/- transferred through NEFT my Punjab National Bank account number from rest on 3511001300004341 and the 11.09.2017 Rs. 1,42,500/- was deposited in the said account of Amit Kumar and the remaining Rs. 13,000 was deposited in the said account on 16-09-2017. After this, they called us for medical on 18-09-2017 for which they charged Rs. 10,500/- as fee and they sent us to Delhi Diagnostics Sector-44C, Chandigarh for medical treatment. Then after a few days, Harman called me that you have to pay the Embassy fee which is Rs. 40,000/- for my entire family. Then I came to the office of the said company in Mohali and on Harman's request, I paid the Embassy fee in cash and returned to my house and after this I called the phone numbers of the said company 9056500933, 9056500955, 9056500922, 9056500911, 9876034081 many times, I contacted them to inquire about my children and my visa but Madam Supriya, Harman, Harry, Amit Singh and other company employees who attended the phone kept avoiding me. Then once I came to the office of the said company in Mohali and after coming here I saw that they had closed their office and gone somewhere and all their said phone numbers were also switched off. Under a well thought out conspiracy, they cheated me of a total of Rs. 429000 by giving me the pretext of getting me and my children a schooling visa and I have the bank receipts of the money deposited in the account of the said company on my behalf at the behest of the said company. I present the photocopies of which to you. I was called by EO Wing Mohali Phase-1 and I came to know that Amit Kumar and Ekam Kumar have been arrested and a case FIR No.240/18 has been registered against them at Police Station Mataur. And now I have received several calls from Ekam Singh's wife Baljinder Kaur that you did not come to give any statement at the office of EO Wing (T) Mohali,

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I will meet you outside and return your money but now she is making false promise and is not giving me my money back. Please take necessary legal action against them and give me justice and my Rs.4,29,000/- may be got returned. I will be very grateful to you. Your faithfully, Sd/ Gurmeet Singh (Gurmeet Singh).

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. No role has been attributed to her in the FIR. A compromise has been arrived at between the parties. As the petitioner has joined investigation, she is entitled to the concession of anticipatory bail.

4. The learned counsel for the State, on the other hand, has filed a status report by way of an affidavit of Prithvi Singh Chahal, PPS, Deputy Superintendent of Police, Sub Division City-1, District SAS Nagar dated 18.09.2025 which is taken on record. While referring to the said report he contends that serious allegations have been levelled against the petitioner and her husband-Ekam Singh and others and the offence stands *prima facie* established. Though, she has joined investigation, she has not co-operated with the same. The complainant was issued notices to appear and to join investigation so as to assist in the verification of the compromise, if any but has chosen not to do so. Both the petitioner and her husband-Ekam Singh are habitual offenders with as many as 26 other cases of a similar nature pending against them. Ekam Singh is a proclaimed person in some of the cases. Therefore, she is not entitled to the concession of anticipatory bail.

5. I have heard the learned counsel for the parties.

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6. The Hon'ble Supreme Court in the case of '***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022(4) RCR (Criminal) 977***', has held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the *prima facie* case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

“It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.

Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

*We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. **In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial***



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interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

7. In the instant case, the allegations against the petitioner, her husband and the other accused are that they have taken a huge amount of money from the complainant to send him abroad but did not do so and on a request being made, the money was not refunded back. In fact, the company i.e. Properway Immigration company closed down its offices in Mohali.

8. The petitioner is a habitual offender with as many as 26 other cases registered against her, the details of which are as under:-

Sr. No.	FIR No./dated	Under Sections	Police Station
1.	240/2018	120-B, 420 IPC	Mataur, District Mohali
2.	185/2018	120-B, 420 IPC	Mataur, District Mohali

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3.	232/2018	120-B, 420 IPC	Mataur, District Mohali
4.	243/2018	120-B, 420 IPC	Mataur, District Mohali
5.	75/2018	120-B, 420 IPC	Mataur, District Mohali
6.	35/2019	120-B, 420 IPC	Sadar Ludhian, District Ludhiana
7.	53/2019	120-B, 420 IPC	Sadar Ludhian, District Ludhiana
8.	49/2019	120-B, 420 IPC	Purana Shala, District Hoshiarpur
9.	184/2019	120-B, 420 IPC	Phase-I, District Mohali
10.	185/2019	120-B, 420 IPC	Phase-I, District Mohali
11.	207/2019	120-B, 420 IPC	Phase-I, District Mohali
12.	213/2019	120-B, 420 IPC	Phase-I, District Mohali
13.	214/2019	120-B, 420 IPC	Phase-I, District Mohali
14.	224/2019	120-B, 420 IPC	Phase-I, District Mohali
15.	225/2019	120-B, 420 IPC	Phase-I, District Mohali
16.	232/2019	120-B, 420 IPC	Phase-I, District Mohali
17.	238/2019	120-B, 420 IPC	Phase-I, District Mohali
18.	256/2019	120-B, 420 IPC	Phase-I, District Mohali
19.	262/2019	120-B, 420 IPC	Phase-I, District Mohali
20.	03/2020	120-B, 420 IPC	Phase-I, District Mohali
21.	16/2020	120-B, 420 IPC	Phase-I, District Mohali
22.	88/2020	120-B, 420 IPC	Phase-I, District Mohali
23.	11/2020	120-B, 420 IPC	Mataur, District Mohali
24.	87/2020	120-B, 420 IPC	Mukeria, District Hoshiarpur
25.	129/2020	120-B, 420 IPC	Phase-I, District Mohali
26.	159/2022	120-B, 420 IPC	Phase-I, District Mohali

9. The husband of the petitioner, namely, Ekam Singh is absconding and is a proclaimed person in some of these cases. As per the version of the complainant, a compromise has been arrived at between the parties. However, the complainant neither appeared before the Sessions Court nor before this Court in support of the compromise. Therefore, no reliance can be placed on the document (Annexure P-3) to substantiate the

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contention of the petitioner that a compromise has been effected between the parties.

10. As the petitioner and her husband are habitual offenders with multiple cases registered against them, her husband is a proclaimed person in some of those cases, the offence stands *prima facie* established and the investigation is to be taken to its logical conclusion, the custodial interrogation of the petitioner is certainly required.

11. Keeping in view the above discussion, I find no merit in the present petition and the same stands dismissed.

12. However, it is made clear that the observations made in this order are only for the purpose of deciding this bail application and the Trial Court is free to adjudicate upon the matter on the basis of the evidence lead before it uninfluenced by any such observations made.

13. The pending application(s), if any, shall stand disposed of accordingly.

September 19, 2025
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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