

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025.PHHC:154902



(101)

CRM-M-43442-2024
Decided on : 11.11.2025

Deepak Kumar and anotherPetitioner(s)
Versus
State of PunjabRespondent(s)

CORAM : HON'BLE MR.JUSTICE SUMEET GOEL

Present: Mr. Bhupinder Ghai, Advocate, for the petitioner (s).
Mr. Amit Kumar Goyal, Addl. AG, Punjab.
Ms. Himani Kapila, Advocate for the complainant.

Sumeet Goel (Oral):

1. Prayer is for grant of anticipatory bail to the petitioners under Section 482 of BNSS, 2023 in criminal case having FIR No.105 dated 26.07.2024 registered under Sections 406, 420 of IPC and Section 24 of Immigration Act at Police Station Machhiwara, District Khanna, Punjab.
2. Vide order dated 04.09.2024, the petitioners were afforded the interim protection, which reads thus:

“Prayer is for grant of anticipatory bail to the petitioners under Section 482 of BNSS, 2023 in criminal case having FIR No.105 dated 26.07.2024 registered under Sections 406, 420 of IPC and Section 24 of Immigration Act at Police Station Machhiwara, District Khanna, Punjab.

Counsel for the petitioners while referring to copies of Visas (Annexure P-2 collectively) and one another document which is produced today, submits that actually Gurmeet Singh took money from complainant and one Ramanpreet Singh in order to send said Ramanpreet Singh and Sahil son of the

complainant to Germany. Gurmeet Singh provided Visa of Republic of Armenia to said Ramanpreet Singh and son of complainant but failed to send them to their final destination i.e. Germany. Then petitioner No.1 lodged complaint against said Gurmeet Singh wherein the matter was settled vide Annexure P-4. However, later on said Gurmeet Singh backtracked and it being so petitioner No.1 also failed to return the settled amount to the complainant. It is further submitted that petitioners are also a victims. Counsel for the petitioners submits that petitioners who are having no criminal history are ready to join investigation with the police. Counsel for the petitioners further submits that petitioners are also ready and willing to settle the dispute in an amicable manner.

Notice of motion.

Mr. Jasjeet Singh Dhaliwal, AAG, Punjab accepts notice on behalf of the State and on instructions from ASI Sanjeev Kumar submits that petitioners were running a travel agency and they took money from the complainant in order to send his son to Germany but they failed to do so and provided Visa only of Republic of Armenia to son of the complainant and they also refused to return the money worth Rs.9.5 lakh. However, State counsel has not disputed the fact that petitioners are having no criminal history.

Now be listed on 29.10.2024.

In the meantime, the petitioners are hereby directed to join investigation with the police and in case of arrest, they are directed to be released on interim bail by the IO/Arresting Officer to their own satisfaction till the next date of hearing. The petitioners are to abide by the conditions as envisaged under Section 438(2) of Cr.P.C. The petitioners are also directed to explore the possibility of amicable settlement, with the complainant, in the meantime.”

3. On 22.07.2025, the following order was passed:

“Learned State counsel submits that the petitioner has joined investigation, in terms of the interim protection afforded to him vide the order dated 04.09.2024, but he is not cooperating therein.

This factual position is refuted by the learned counsel for the petitioner.

Without delving into this issue, the petitioners are now directed to appear before the concerned Investigating Officer at the concerned Police Station at 11:00 A.M. on 25.07.2025, wherein, they will join investigation in terms of the order dated 04.09.2024.

Put up on 12.08.2025.

Interim order to continue.

4. Learned State counsel has filed short reply by way of affidavit of Deputy Superintendent of Police, Samrala, District Ludhiana, on behalf of the respondent-State in Court today. The same be kept on record. A copy of the same has been furnished to learned counsel for the petitioner. Learned State counsel (on instructions) has submitted that the petitioners have joined investigation but their custodial interrogation is required for effecting recovery of the money in question.

5. Learned counsel for the complainant has vehemently opposed the grant of anticipatory bail to the petitioners by arguing that allegations raised against the petitioners are serious in nature and in case the petitioners are extended the concession of anticipatory bail, there is all the likelihood that they may interfere with the investigation as also intimidate the witnesses and also the FIR-complainant.

6. Keeping in view the factual milieu of the case in hand, especially the factum of the petitioners having joined investigation and cooperated therein except recovery of money in question, this Court is inclined to confirm the order dated 04.09.2024 granting interim anticipatory bail to the petitioners, subject to the conditions as enumerated under Section 482(2) of BNSS.

7. Ordered accordingly.
8. This order should not be treated as “blanket” order. It will not be read granting petitioners indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
9. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioners violate any condition stipulated under Section 482(2) of BNSS or upon showing any other sufficient cause.
10. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.
11. Pending application(s), if any, shall also stand disposed off.

November 11, 2025
Naveen

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether Reportable :	Yes/No