

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41151-2025
Reserved on: 01.10.2025
Pronounced on: 29.10.2025

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
0173	01.07.2024	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 10 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	161	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 status report filed by the State, which reads as follows:

“3. That with regard to the subject matter of the present petition, it is submitted that case/FIR No. 173 dated 01.07.2024 under Sections 406, 420, 120-B IPC and Section 24 of Immigration Act was registered at PS Mataur, District SAS Nagar against Nishan Singh, Balraj Kaur @Mahi Gill (Petitioner), Dr. Reet Kaura, Kulvir Singh Kaura, Daman Dhillon, Pardeep Kaur Grewal, Jaspreet Kaur, Jashandeep Singh, Shweta Sharma, Harman Singh, Akashdeep Singh, Manpreet Kaur Randhawa, Simran, Harpreet Kaur alias Preet after preliminary enquiry into the complaints bearing No. 1248/S/SSP dated 30-04-2024 received from Navdeep Kaur w/o Dalwinder Singh, 314/S/SSP/ dated 27-04-2024 received from Dalwinder Singh, 1264/SPL/SSP dated 30-04-2024 received from Simranjeet Singh s/o Davinder Singh and PGD complaint number 345021 dated 04-05-2024 received from Sumandeep Kaur w/o Ranbir Singh in the office of the SSP, District SAS Nagar by the Incharge. Anti Human Trafficking Unit, District SAS Nagar, agreement on the said report of the SP (Headquarters), District SAS Nagar and approval of the same by the then SSP, District SAS Nagar on the allegations that the aforesaid accused, who were working with the company M/s Visa Land (having its office at SCO 523-525, Sector 70, Mohali) in connivance with each other cheated the complainants of a total amount of Rs. 11,72,000/- by assuring them Canadian Permanent Residency (PR)/Work Permits within nine months, however, after receiving the money, they allegedly issued fake visa receipts, gave evasive responses, failed to provide any genuine visas or refund the money and subsequently shut down their office and absconded.

4. That during preliminary enquiry, it came to light that the aforesaid accused's company namely Visa Land situated at SCO No. 523-524, Second Floor, Sector 70, Mohali was engaged in the business of sending persons abroad and that the said company had issued advertisements through television, social media, print media, social networking with regard to facilitating foreign travel. Thereafter, on watching the said advertisements of the accused's company pertaining to sending persons abroad, the complainants namely Navdeep Kaur, Simranjeet Singh and Sumandeep Kaur contacted the company on its mobile numbers i.e. 70870-88890, 70870-88987, 82839-25239, 73411-23563 99151-95803, 76969-55579 and 76969-99876 and interacted with the employees of the company namely Balraj Kaur @Mahi Gill (Petitioner), Nishan Singh, Dr. Reet Kaura, Kulvir Singh Kaura, Daman Dhillon, Pardeep Kaur Grewal, Jaspreet Kaur, Jashandeep Singh, Shweta Sharma, Harman Singh, Akashdeep Singh, Manpreet Kaur Randhawa, Simran. Harpreet Kaur alias Preet regarding work permits and permanent residency for Canada.

Subsequently, upon being called by the aforesaid employees, the complainants visited the company office at the above-mentioned address on different dates for further discussions, where they were categorically assured that they would be sent abroad to Canada within a period of nine months on work permit and permanent residency. Believing such representations and assurances of the accused persons, the complainants expressed readiness to proceed abroad and accordingly submitted photocopies of their respective passports along with other requisite documents. It further came to light that on different occasions, the complainants namely Navdeep Kaur, Dalwinder Singh, Simranjeet Singh and Sumandeep Kaur paid a total sum of Rs. 11,72,000/- in cash and through cheques to the accused persons for the said purpose, however, despite receipt of such huge amounts, the accused persons neither fulfilled their assurance of sending the complainants abroad to Canada nor refunded the money. On the contrary, the accused's company had executed agreements in the name of facilitating the foreign travel of the complainants but thereafter, in the garb of such agreements, the accused persons closed the office premises and absconded. Thus, the enquiry revealed that the owner of the accused's company Nishan Singh along with his employees namely Balraj Kaur @Mahi Gill (Petitioner), Nishan Singh, Dr. Reet Kaura, Kulvir Singh Kaura, Daman Dhillon, Pardeep Kaur Grewal, Jaspreet Kaur, Jashandeep Singh, Shweta Sharma, Harman Singh, Akashdeep Singh, Manpreet Kaur Randhawa, Simran, Harpreet Kaur alias Preetin furtherance of a pre-planned conspiracy and in mutual connivance by extending false assurances and inducements to the complainants regarding sending them to Canada, dishonestly obtained an amount of Rs. 11,72,000/- and thereby cheated the innocent complainants and committed fraud.”

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. 173 (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 complainants by giving false assurances of sending them abroad, on which pretext a total sum of Rs.11,72,000/- 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. That the petitioner who made specific promises, met with clients, or processed documents, by giving false assurances of sending them abroad on which pretext a total sum of Rs.11,72,000/- was fraudulently obtained from them by the petitioner.”

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

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.

²Supreme 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.

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 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

29.10.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.