

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41516-2025
Reserved on: 10.09.2025
Pronounced on: 17.09.2025

Gurvinder Singh @ Gurwinder Singh ...Petitioner
Versus
State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. S.K. Sinha, Advocate,
for the petitioner.

Dr. Jasmine Gill, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
133	19.06.2024	Siwan, Distt. Kaithal	406, 420 IPC

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. As per para 7 of the reply, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	20	26.01.2025	316(2), 318(4) of BNS	Civil Lines, Kaithal
2.	04	19.01.2025	318(4) of BNS	Cyber, Rohini Delhi
3.	222	28.12.2024	316(2), 318(4), 61 BNS, Sections 10/24 of Immigration Act	Ismailabad, Distt. Kurukshetra
4.	218	25.12.2024	316 (2), 318(4), 61 BNS, 10/24 of Immigration Act	Ismailabad, Distt. Kurukshetra
5.	89	15.05.2024	467, 420, 120-B IPC	Central Sector-17, Chandigarh
6.	42	27.03.2024	420, 120-B IPC	Central Sector-17, Chandigarh
7.	5	07.01.2022	188 IPC	Central Sector-17, Chandigarh
8.	9	15.01.2025	420, 467, 468, 471, 120-B IPC & 24 of Immigration Act	Central Sector-17, Chandigarh

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“2. That brief facts of the prosecution case are that the present case has been registered on the complaint of complainants (1) Roshan Lal son of Ruhla Ram resident of Village Sirta District Kaithal and (2) Anil Kumar

son of Harpal resident of Nanakpuri Colony, House No.1148/A Ward no.4, Kaithal Tehsil and District Kaithal it was inter-alia alleged that they wanted to send their children abroad regarding which they had a conversation with Harsimranjeet Kaur (employee of the petitioner). On 25.01.2024 Complainant Roshan Lal had a talk on mobile number 97804-xxxx on Planet Guide Overseas Centre, Chandigarh, who in turn sent location on mobile number 99964-xxxx on whatsapp and demanded the documents of both the children i.e. Gurdeep Singh and Arti. As discussed, complainants along with Karnail Singh son of Dharampal went to their office where Neha Rana and Harsimranjeet Kaur attended then they assured that they would get the visa as Husband-wife as Work VISA UK. They further assumed to get the girl's(Arti) marriage registered with Gurdeep Singh and to get couple visa for both and the deal was settled in total for Rs.24,00,000/-. Thereafter, complainant came back to home at Kaithal Anil Kumar's sister's daughter namely Arti has done PTE. Anil was given assurance to get visa for Arti and Gurdeep Singh. On their asking, Anil and Arti got ready for this. As per program, both along with Arti and Gurdeep Singh went to Chandigarh with all the original documents and passport and met both the persons namely Neha Rana and Harsimranjit Kaur and came back after handing over the documents to them. After 3 days, complainant received a phone call from them that the letter of the children has come and have to pay Rs.10,00,000/- to the company for work. Agreement has to be reduced into writing for this purpose. Complainant were asked to pay the money and asked to come with children in the office at Chandigarh. Then Gurdeep Singh had deposited a sum of Rs.6,00,000/- through cheque No.162288 and Anil Kumar deposited Rs.2,00,000/- through his father Harpal's account and Rs.2,00,000/- have been deposited through the account of Suman (sister of Anil Kumar) in the account No.04466xxxx Yes Bank, Chandigarh in the name of account of Planet Guide Overseas Centre and the present petitioner is the director of the company. Complainants have in total transferred Rs.10,00,000/- in the account of petitioner/accused and accused Neha Rana got written agreement on the stamp paper of Rs.100/- bearing No.IN-CH47539603882421W between Anil Kumar and Planet Guide Overseas regarding payment of Rs. 10,00,000/- which was already given and remaining payment and the same was notarized from the Notary Public, Chandigarh. On 02.02.2024, they have called both the children to Chandigarh for medical and medical was got done at Max Hospital Health Care, Mohali. On 13.03.2024, they had sent appointment confirmation which was scheduled for 04.04.2024 regarding biometric of Gurdeep Singh and Arti. Complainant visited the office of petitioner/accused and found that the appointment letter was forged. On 05.05.2024, complainant came to know that neither any file was submitted nor any official letter has come nor any appointment was fixed. Their entire work was to misguide the complainants. Then accused kept cheating the complainant and when the complainant demanded their money back, 4 days time was given and after 4 days complainant again visited their office and there they again demanded more time. On 15.04.2024, complainant again went to their office they have issued on their letter head with an assurance that the said amount shall be returned within 30 days. Thereafter, when the complainant visited their office for their money, then they called the complainant to their new office at Ropar and on 28.05.2025 petitioner/accused issued two cheques in favour of Gurdeep Singh and Arti. When the complainant presented their cheques, same were returned uncashed with the remarks, payment stopped by drawer. They also threatened the complainant, if the complainant creates any scene then would face dire consequences. On this written complaint above mentioned FIR was registered and matter was duly investigated.”

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 his 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 reply.

7. It would be appropriate to refer to the following portions of the reply, which reads as follows:

"6. (a) That the FIR was initially registered in the name of Neha Rana and Harsimranjeet Kaur who were found innocent during course of investigation.

(b) That during course of investigation it came to the light that the complainant have transferred a total amount of Rs.10,00,000/- in the account of Planet Guide Overseas Centre and the director is the present petitioner.

(c) That petitioner/accused also got recovered Rs.20,000/- from the disclosed place in pursuance to his disclosure statement.

(d) That an amount of Rs.6,00,000/- have been transferred from the account of Gurdeep Singh, Rs.2,00,000/- have been transferred from the account of Sh. Harpal Singh who is father of complainant Anil Kumar and Rs.2,00,000/- have been transferred from the account of Suman who is the sister of the complainant Anil Kumar."

REASONING:

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. As per paragraph 9 of the bail petition, the petitioner has been in custody since 21.02.2025. As per the custody certificate, the petitioner's total custody in this FIR is 06 months and 18 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

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

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.

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.

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

³ Supreme Court of India in *SiddharamSatlingappaMhetre 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.

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. 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.”

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

(ANOOP CHITKARA)
JUDGE

17.09.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.