IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

2025:PHHC:098936

(108) **CRM-M-42008-2025**

Date of decision: 04.08.2025

Karanpreet Singh

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Amit Arora, Advocate for the petitioner.

Mr. Eklavya Darshi, DAG, Punjab.

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SUMEET GOEL, J.

1. Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') seeking grant of anticipatory bail to the petitioner in case bearing FIR No.0046 dated 31.03.2025, registered for the offences punishable under Sections 420, 120-B of IPC and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014 at Police Station Division A, District Police Commissionerate, Amritsar.

2. The gravamen of the FIR in question pertains to defrauding the complainant-Parminder Kaur for Rs.34,70,900/- though allegations in the complaint claims cheating of Rs.37,50,000/- against the petitioner and his co-accused. In her complaint, complainant has stated that she met accused Guriqbal Singh, who told her that his sons Lovepreet Singh and Karanpreet Singh were in the profession of Immigration Services and she may contact them, in case someone was interested in going abroad. As her sister-in-law namely Ramanjeet Kaur was interested in going abroad, she contacted Lovepreet Singh, brother of the petitioner (herein), who demanded

Rs.6,50,000/- for work visa of New Zealand and Rs.16 Lakhs for work visa of England. She gave him passport of her sister-in-law and paid Rs.2 Lakhs by Google Pay. She further paid Rs.16 Lakhs for eight persons but he demanded Rs.11 Lakhs for the Visa. Rs.10 Lakhs was given in cash for flight charges and Rs.11 Lakhs was transferred in the account of Lovepreet Singh and present applicant. She further stated that despite having received Rs.37,50,000/-, the accused persons failed to arrange Visa. The accused Guriqbal Singh, Lovepreet Singh and the petitioner herein had hatched a conspiracy and they cheated the complainant. On the basis of the aforesaid complaint, instant FIR has been registered against the petitioner alongwith other accused and investigation ensued.

3. Learned counsel for the petitioner has iterated that the petitioner is innocent and has been falsely implicated in the present case. Learned counsel asserts that the allegations levelled against the petitioner in the impugned FIR are entirely baseless and devoid of any credible or cogent material. Furthermore, the petitioner has no connection whatsoever with the alleged offence. It has been further iterated that the primary allegation against the petitioner is that he acted as a mediator between the complainant and co-accused in connection with the arrangement for sending her sister-in-law and other relatives abroad. Learned counsel has further argued that neither the petitioner gave any such false representation to the complainant or any other person nor he received any such amount. He has further iterated that the petitioner was in a live-in relationship with the complainant and during said period, she transferred certain amounts in his account without his knowledge and those amounts were returned to her. According to learned counsel, the petitioner is neither a travel agent nor engaged in any business of facilitating overseas employment and hence the allegations levelled

against him are entirely false, vague and baseless. It has been further submitted by the learned counsel that the petitioner has been falsely implicated in the present case and the complaint appears to be a result of a concocted narrative, possibly motivated by personal enmity to settle personal scores. Moreover, the petitioner has never acted with any criminal intent nor committed any offence as alleged. Lastly, it has been further argued that there is no need for custodial interrogation of the petitioner, as nothing incriminating remains to be recovered from him. Moreover, there is no likelihood of the petitioner absconding from the process of justice or tampering with the prosecution evidence in case he is enlarged on pre-arrest bail. On strength of these submissions, the grant of anticipatory bail is entreated for.

4. Conversely, learned State counsel (on the strength of advance notice) has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. According to learned State counsel, allegations levelled against the petitioner are of a grave and serious nature, involving a well-orchestrated fraud amounting to Rs.37.5 lakhs wherein the complainant and her relatives were deceived under the false pretext of securing work visa New Zealand and England. It was further contended that the magnitude of the offence reflects not only a blatant abuse of trust but also a calculated exploitation of the vulnerability and aspirations of the complainant. According to learned State counsel, the offence committed by the petitioner caused substantial financial and emotional distress to the complainant and her family. Considering the seriousness of the allegations, the custodial interrogation of the petitioner may be necessary to unearth the broader conspiracy and recover the ill-gotten money. Granting bail at this stage may set a wrong precedent in cases

involving human trafficking and immigration fraud. Furthermore, in case the petitioner is granted the concession of pre-arrest bail, at this stage, it may impede the ongoing investigation and obstruct the recovery and potentially lead to tampering with evidence or influencing of witnesses. Accordingly, a prayer has been made for the dismissal of the instant petition in order to facilitate effective investigation into the alleged offence.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. The FIR *ibid* was lodged on the basis of a complaint filed by the complainant –Parminder Kaur who alleged that she was approached by the petitioner (herein) regarding the possibility of sending her sister-in-law and other relatives on work visa to New Zealand and England. It was further alleged that the petitioner claimed to be involved in the business of facilitating overseas employment alongwith his father Guriqbal Singh and brother Lovepreet Singh. The petitioner and other accused persons had received Rs.37.5 lakhs from the complainant and other relatives. The complainant alleged that she was defrauded by the petitioner and co-accused under the false pretext of arranging work visa for New Zealand and England.

6.1. The offence in question does not merely involve financial deceit but strikes at the very fabric of social trust, involving elements of human trafficking and cross-border immigration fraud, which are not only grave in nature but also have far-reaching consequences on public order. Cases of this nature, where vulnerable individuals are lured with false promises of lawful migration and are subsequently subjected to exploitation, fall within the ambit of organized human trafficking and merit strict judicial scrutiny and deterrence. Human trafficking under the garb of immigration consultancy is a growing menace which preys upon the desperation and dreams of unsuspecting citizens. The Courts must remain vigilant and ensure that such rackets are not emboldened by leniency at the pre-trial stage. The fraudulent inducement for illegal migration, followed by subjecting individuals to inhumane and life-threatening conditions abroad, not only reflects criminal intent but also constitutes a serious affront to human dignity and national interest. The Court cannot overlook the broader public interest involved in cases of immigration fraud, especially when they border on transnational human trafficking. Such offences necessitates a strong and principled judicial response to prevent their recurrence.

6.2. A perusal of the FIR reveals that the allegations against the petitioner are grave and serious in nature who defrauded the complainant of a substantial amount under the false pretext of facilitating the work visa for New Zealand and England. Such offences strike at the core of public trust and reflect a disturbing trend prevalent in this region, where unscrupulous individuals posing as travel facilitators exploit the aspirations of innocent citizens seeking opportunities abroad. These fraudulent activities not only cause severe financial and emotional distress but also undermine the integrity of lawful immigration systems. Therefore, individuals involved in such organized deceit must be dealt with firmly and in accordance with the law, leaving no room for leniency.

7. Furthermore, the investigating agency has sought the custodial interrogation of the petitioner for effective recovery, verification of facts, and to establish the broader conspiracy, if any, behind the occurrence. No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present

FIR. It goes without saying that in the instant case, the complainant has categorically stated that the petitioner along with co-accused had defrauded the complainant of a substantial amount under the false pretext of facilitating the work visa for New Zealand and England which caused severe financial and emotional distress.

8. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interests). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression. At this stage, there is no material on record to hold that prima facie case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***, the Hon'ble Supreme Court held as under : (SCC p. 189, para 6)

> *"6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be*

> *countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders."*

9. In view of the gravity of the allegations, the specific role attributed to the petitioner and the necessity of custodial interrogation for a fair and thorough investigation, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby dismissed.

10. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

11. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

August 04, 2025
Naveen

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