

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45184-2025
Reserved on: 01.10.2025
Pronounced on: 31.10.2025

Rajiv Kumar and another ...Petitioners

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. C.S. Bakshi, Advocate,
for the petitioners. (through V.C.)

Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
104	01.11.2024	Chabbewal, Distt. Hoshiarpur	420 & 406 IPC

1. The petitioners apprehending arrest in the FIR captioned above have come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. As per paragraph 10 of the bail petition, the petitioners have no criminal antecedents.

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

“2. That it is humbly submitted that the complainant submitted an application bearing No.7299-PD dated 04.10.2024 to SSP, Hoshiarpur against Amanpreet Gill Travel agent and Sahil Sharma Travel agent that he came to know that Amanpreet Gill is a travel agent and he has sent number of aspirates abroad. The complainant went to see Amanpreet Gill and discussed with him that complainant intended to go to U.K. Said Amanpreet Gill told the complainant that he along with his wife and other member of family can go abroad on the basis of study basis as the wife of complainant is a graduate. The expenses to the tune of Rs.15 to 20 lacs stated to be required for completing the formalities. After passing of five months, Amanpreet Gill told complainant that he will not get visa on study basis due to less marks of his wife and he can get work permit for which he has to incur Rs.32 lacs and complainant could go abroad on this basis. Accused further proclaimed that he will get PTE test of complainant. On 21.6.2023, an amount of Rs.14,500/- were transferred by the complainant online. The complainant appeared in PTE exams on 23.6.2023 at Amritsar but complainant could not clear that exam. On 4.7.2023 an amount of Rs.14,500/- was again transferred by the complainant, however the complainant could not clear said exams. On 3.10.2023, again complainant

paid an amount of Rs.17,000/- and this time the complainant was told that he scored 6.5 bands. Thereafter complainant was informed that PTE test will not work for complainant and he has to clear IELTS. On 20.12.2023, IELTS test of complainant was conducted at Amritsar Engineering College Manawala, and complainant scored 6.5 bands. On 22.12.2023, an amount of Rs.6 lacs was transferred in the account of Amanpreet Gill and thereafter he applied for visa. On 10.2.2024, Amanpreet Gill showed one sponsorship letter to the complainant that complainant will get a call from UK authorities for the purpose of verification of the documents. On 11.2.2024, the complainant received a call from telephone No. +447946xxxxx and the caller told that he is an advocate at U.K and he demanded passport number and other relevant details. On 12.2.2024, complainant received one phone call from Sahil Sharma (from U.K), who told that payment of sponsorship of complainant was left, thereafter to discuss this matter with an agent and to deposit the amount. Next day the complainant discussed this matter with Amanpreet Gill who told that payment to the tune of Rs.20 lacs is due, therefore, to deposit it in his account. Amanpreet Gill stated to have sent as many as four different accounts. On 14.2.2024, an amount of Rs.5 lacs in the account of Rajan Kumar in IDBI Bank, Rs.5 lacs in the account of petitioner-Shikha in Kotak Mahindra Bank account and Rs.5 lacs on 15.2.2024 in the account of one Gopal Bansal in IDBI bank, Rs.5 lacs in the account of petitioner-Rajiv Kumar in IDBI Bank. Then Amanpreet Gill told complainant that he will receive sponsorship and will get visa within one week. But as and when the complainant called Amanpreet Gill he had dillydallying the matter, in coming weeks and on 1.3.2024 Amanpreet Gill went to Dubai and told that Sahil Sharma is coming back to Batala from U.K and he will hand over the documents and to contact Sahil Sharma. The complainant had been calling said Sahil but he also been dillydallying the matter on one pretext or the other. Thereafter Sahil posted copy of sponsorship letter to the complainant and Amanpreet Gill got conducted the medical of complainant, his wife and daughter at Ludhiana. Sahil given the date for appearance in the embassy for 5.6.2024 but he refused as thorough verification is being conducted by the authorities, therefore to go well prepared. On 20.6.2024, complainant went to see Sahil who proclaimed that visa for UK uphill talks and he could send them to Canada, for expenses to the tune of Rs.19,50,000/- and their file will be completed and applied within 20 days but after wait, nothing happened and the accused Amanpreet Gill, and Sahil Sharma gulte amount of Rs.26,46,000/- and cheated the complainant.”

4. The petitioners’ counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioners and their family. Counsel for the petitioners further submits that the amount attributed to petitioner No. 2 has already been returned by way of a demand draft, and petitioner No. 1 has returned an amount of ₹2.5 lakhs to the complainant and handed over a demand draft of ₹2.5 lakhs to the investigator.

5. The petitioners’ counsel submits that the petitioners would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioners repeat 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 petitioners 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 reads as follows:

“ROLE OF PETITIONERS:

7. That it is submitted that the present case was registered against the petitioners and others after an inquiry conducted by Incharge E.O. Wing, Hoshiarpur and the petitioners and others were found to have committed fraud of Rs.23,96,000/- on the pretext of sending the complainant alongwith his family to England. An amount of Rs.5 laes each was transferred in the accounts of both the petitioners separately. The custodial interrogation of the petitioner is very much required for proper probe of the present case.

THE EVIDENCE AGAINST THE PETITIONERS.

9. That it is submitted that the present case was registered against the petitioners and others after an inquiry conducted by Incharge E.O. Wing, Hoshiarpur and the petitioners and others were found to have committed fraud of Rs.23,96,000/- on the pretext of sending the complainant alongwith his family to England. An amount of Rs.5 lacs each was transferred in the accounts of both the petitioners separately. The custodial interrogation of the petitioner is very much required for proper probe of the present case. Therefore, the present petition is liable to be dismissed.”

REASONING:

8. Since the petitioners already returned the amount attributed to them to complainant, as such, they are entitled to bail. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage, but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

9. 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.¹Personal 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.² 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.³

10. Given the above, the penal provisions invoked 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 custodial interrogation or the pre-trial incarceration at this stage. Without

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.

² Supreme Court of India in Siddharam Satlingappa Mhetre v. State of Maharashtra, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

³ Supreme Court of India in Babu Singh & ors v. State of UP, [E-SCR] P. 777, decided on 31.01.1978.

commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioners make a case for bail.

11. The investigation indicates that the petitioners are not the main accused, so the petitioners' bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

12. Given above, provided the petitioners are not required in any other case, the petitioners shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaka Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

13. While furnishing a personal bond, the petitioners 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)	

14. This order is subject to the petitioners' complying with the following terms.

15. The petitioners are directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioners shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioners shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioners shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

16. The petitioners shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioners 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.

17. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a

maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioners notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

18. The significant consideration for granting bail is that the Court aims to give the petitioners another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioners also abide by the assurance made on the petitioners' 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 petitioners repeat 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. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the petitioners can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

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

(ANOOP CHITKARA)
JUDGE

31.10.2025
Jyoti-II

Whether speaking/non-speaking:	Speaking
Whether reportable:	No.