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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(210)

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Date of decision: 26.09.2025

Satpal Singh

..... Petitioner

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Jasinder S. Sekhon, Advocate, for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 of BNSS, 2023 is for the grant of anticipatory bail to the petitioner in case FIR No.87 dated 25.10.2024 under Sections 420 IPC and Section 13 of the Punjab Travel Professionals Act registered at Police Station Nurpur Bedi, District Rupnagar.

2. The present FIR came to be registered at the instance of Sucha Singh and reads as under:-

Copy of Application To, The Hon'ble Senior Superintendent of Police, District Rupnagar.

Subject: Application against Travel Agent Satpal Singh son of Partap Singh, resident of Village Khera, Post Office Harta, Tehsil and District Hoshiarpur 146103 (Mobile No. 81950-64607), who, on the pretext of sending the Applicant abroad to Armenia (Europe), cheated the Applicant of an amount of

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Rs.2,90,000/- and despite repeatedly entering into written agreements, has not returned any of my money. Request for strict legal action against him.

Reference: Application No. 33042 dated 28.12.2023 and Reference Application No.N-347-P/DSP-NDPS dated 13.05.2024.

Respected Sir, It is most humbly submitted that:

"I Sucha Singh son of Karam Chand, am the resident of Village Chauta, Police Station Nurpur Bedi, Tehsil Anandpur Sahib, District Rupnagar. That under the aforesaid reference 1 had earlier also submitted complaints against the above said Travel Agent in your office, subject of which was the same as above. That I wish to bring into your kind notice that on the basis of Application No.33042 dated 28.12.2023, the police department, Rupnagar, had several times made telephone calls and also sent notice to the above said accused to appear in the office. The accused did appear in the office of the Hon'ble DSP, where he verbally sought time up to 29.01.2024, stating that before this date he would return the money and settle the matter mutually, whereupon the said application was consigned to the record room.

That thereafter I again submitted Application No. N-347-P/DSP-NDPS dated 13.05.2024 before the Hon'ble SSP, Rupnagar, explaining my grievance, which was marked to the Hon'ble Dy. S.P.PBI/ NDPS, Rupnagar. In this regard, the Hon'ble DSP directed both the parties to appear in the office with their respective documents and supporting evidence. Accordingly, both the parties appeared on 17.06.2024 before the Hon'ble DSP in the office, in which the above said accused again admitted in writing on stamp paper that he had taken an amount of Rs.2,50,000/- (Two Lakh Fifty Thousand) from the Applicant Sucha Singh son of Karam Chand for sending him



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abroad. He undertook to pay Rs.50,000/- to the Applicant on or before 27.06.2024 and thereafter to hand over cheques for the balance amount to the Applicant, and in case he failed to comply with his undertaking, legal action may be taken against him.

Therefore, it is my humble request to you that I am a poor person and presently working as a daily wager at Swaraj Mazda, Rupnagar. I have been running around various offices for the last one year to recover my money, due to which both my time and my financial condition are deteriorating further. Kindly provide me justice and take legal action against the said accused. I shall remain ever grateful to you.

Thanking you, yours faithfully, (signature) Sucha Singh.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There is a delay of 06 months in the filing of the complaint. The agreement/compromise dated 17.06.2024 (Annexure P-3) between the petitioner and the complainant is under duress for which a civil suit has been instituted. As the petitioner is ready and willing to join the investigation, he is entitled to the concession of anticipatory bail.

4. The learned counsel for the State, on the other hand, has filed a reply dated 26.09.2025 which is taken on record. While referring to the said reply, he contends that the complainant had paid a sum of Rs.2,50,000/- to the accused on the assurance that the accused would provide him a Work Permit. However, a Tourist Visa came to be issued instead. Subsequently, the parties entered into a compromise wherein the petitioner undertook to



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repay a sum of Rs.2,50,000/- but he did not do so. In fact, the complainant has suffered a further loss as he had to spend another Rs.90,000/- towards living, boarding and other expenses including the return ticket to India. As the offence stands *prima facie* established and the investigation is to be taken to its logical conclusion, the petitioner is not entitled to the concession of anticipatory bail. Therefore, the present petition is liable to be dismissed.

5. I have heard the learned counsel for the parties.

6. The Hon'ble Supreme Court in the case of '***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022(4) RCR (Criminal) 977***', has held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the *prima facie* case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

"It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.

Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the



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complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

7. As per the allegations levelled, the petitioner had taken a sum of Rs.2,50,000/- to provide a Work Permit to the complainant. Though, the complainant was sent abroad it was on a Tourist Visa. He had to spent a

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considerable amount of money as living expenses in Armenia and to pay for his return ticket. On a refund being sought, a compromise was arrived at as per which the petitioner was to pay a sum of Rs.2,50,000/- to the complainant. However, he has chosen not to do so. As the offence stands *prima facie* established and for the investigation to be taken to the logical conclusion, the custodial interrogation of the petitioner is certainly required. Therefore, he is not entitled to the concession of anticipatory bail.

8. In view of the above discussion, I find no merit in the present petition and the same stands dismissed.

9. However, it is made clear that the observations made in this order are only for the purpose of deciding this bail application and the Trial Court is free to adjudicate upon the matter on the basis of the evidence lead before it uninfluenced by any such observations made.

10. The pending application(s), if any, shall stand disposed of accordingly.

September 26, 2025
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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