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(212)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision : 13.11.2025

BHAG SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Gagandeep Singh Saini Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 BNSS, 2023 is for the grant of anticipatory bail to the petitioner in case FIR No.0082 dated 22.08.2025 registered under Sections 406, 420, 120-B IPC and Section 24 of Immigration Act at Police Station Julkan, District Patiala.

2. The present FIR came to be registered at the instance of Suresh Kumar S/o Gurdial Singh and the same reads as under:-

“At this time, an application no. 225/HD dated 03.06.2025 UID 399063 filed by Suresh Kumar son of Gurdial Singh resident of Village Binjal Police Station Julkan District Patiala, wherein enquiry has been conducted by Station House Officer, N.R.I Wing, Patiala and enquiry report by Superintendent of Police, NRI Wing, Patiala, which has been received from the office of Senior Superintendent of Police, Patiala for registration of FIR against Bhag Singh son of Gurdev Singh, Kulwant Singh son of Bhag Singh resident of



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Village Jhungian Police Station Julkan District Patiala Under Section 406/420/120B of IPC and Section 24 of The Immigration Act 1983, which has been received by post. The details thereof are that; To, The Additional Director General of Police (NRI Wing), Mohali, Punjab. Subject: Application against Bhag Singh Phone No. 9996497532 son of Gurdev Singh, Kulwant Singh Phone No. +393533153797 son of Bhag Singh, Gurnam Kaur wife of Bhag Singh resident of Village Bhungian Tehsil Dudhan Sadhan District Patiala, who have committed fraud worth Rs. 15 Lakh on the pretext to send Rohit Kumar brother of applicant to Italy. Further implicated Rohit Kumar in Italy on the basis of fake documents. Therefore to take legal action. Sir, The applicant submits as under; 1. That I, Suresh Kumar son of Gurdial Singh resident of Village Binjal Tehsil Dudhan Sadhan District Patiala. I am doing agriculture. 2. That my brother Rohit Kumar was willing to go abroad to do work. In this regard, I have asked my known persons and relatives to inform me about some good agent. Bhag Singh who is resident of our village has told me in the month of October 2022 that he is doing the business of sending people abroad and his son is settled in Italy. He will send my brother to Italy and will settle him at there. He had told that earlier he had sent many boys to Italy and he took total responsibility. Gurnam Kaur wife of Bhag Singh had also given assurance that Bhag Singh used to do confirmed work. 3. That Bhag Singh had hold my talk with his son Kulwant Singh through whatsapp. Bhag Singh and Kulwant Singh had given complete assurance to settle my brother Rohit Kumar in Italy. I had given my consent. When, I have enquired from them about the cost to send my brother Rohit Kumar to Italy, then Bhag Singh and Kulwant Singh told that it will cost Rs. 15 Lakh. 5. That thereafter I had given the passport and copies of other documents to Bhag Singh. Bhag Singh had demanded an



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amount of Rs.1 Lakh in advance. On dated 10.11.2022, at the asking of Bhag Singh, an amount of Rs. 1 Lakh was deposited in his Punjab Gramin Bank Account NO. 88340100017519. Thereafter Bhag Singh and Kulwant Singh pretended on one pretext or the other. They told that due to corona virus, the visa of Italy have been stopped. When the visa of Italy will be started, your brother Rohit Kumar will be sent to Italy. Subsequently, they have passed sufficient time (2023). In the month of December 2023, Bhag Singh and Kulwant Singh said to me to arrange the money. Then I have arranged an amount of Rs. 14 Lakh. On dated 10.12.2023, Bhag Singh made phone call to me and informed that visa has been issued to Rohit Kumar. You may come along with Rs. 14 Lakh in cash and to get your visa. Thereafter, in the presence of my known person Randhir Singh son of Sukhdev Singh resident of Vilalge Binjal District Patiala and Jasbir Singh son of Mukhtiar Singh resident of Village Binjal District Patiala, I had given an amount of Rs. 14 Lakh in cash to Bhag Singh in his house at village Jhungian. Bhag Singh had calculated this amount of Rs.14 Lakh and further given to his wife Gurnam Kaur. Bhag Singh had given me passport of my brother Rohit Kumar which was bearing the visa of Italy. On dated 15.12.2023, my brother went to Italy. I have also video of dated 10.12.2023 which was recorded on the spot. I will present the same before you as and when it will be needed. 6. That when my brother Rohit Kumar reached in Italy, Kulwant Singh son of Bhag Singh had provided accommodation with him. He had also got his passport. He had kept concealed the same. He got work from him as bonded laborer and used to give threats to him. Later on we came to know that the authorities of Italy have seized the passport of my brother Rohit Kumar. They have informed that my brother Rohit Kumar has been reached in Italy on the basis of wrong documents. We have apprehension that my brother Rohit Kumar will be implicated in some false



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case in Italy. 7. That when in this regard, I have talked with Bhag Singh, but he did not heard me. Even, when I have tried to hold talk with Kulwant Singh in Italy, he stopped attending my phone call. Kulwant Singh is giving threats to my brother Rohit Kumar in Italy. 8. That Bhag Singh and Kulwant Singh have sent my brother Rohit Kumar to Italy on the basis of wrong documents. Therefore have committed fraud worth Rs. 15 Lakh. My brother Rohit Kumar is residing in Italy without any shelter. Bhag Singh and Kulwant Singh did not proved any work to my brother and they have even usurp our whole income. Through the present application, it is requested that enquiry in this regard be conducted in the interest of justice. Legal action may kindly be taken against Bhag Singh and Kulwant Singh for committing fraud of Rs.15 Lakh on the pretext to send him to Italy on the basis of wrong documents and therefore he has been stuck in Italy. I shall be thankful to you. Sd. Suresh Kumar.”

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. In fact, the son of the complainant-Rohit Kumar had been taken to Italy where he acted recklessly because of which proceedings were initiated against him by the Italian Government. There is a delay of 1 ½ years in getting registered the instant FIR. As the petitioner is ready and willing to join investigation, he is entitled to the concession of anticipatory bail.

4. On the other hand, the learned State counsel and the learned counsel for the complainant contend that the petitioner informed the complainant that he was in the business of sending people abroad as his son Kulwant Singh was settled in Italy. For the said purpose, a sum of Rs.15 lakhs was paid to the petitioner including Rs.1 lakh by way of



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banking transactions. Though, the son of the complainant namely, Rohit Kumar was taken to Italy his passport was taken away and he was made to work as bonded labour. It was later informed by the Italian authorities that Rohit Kumar had been sent abroad on false documents. They, therefore contend that the complainant and his son have been cheated and 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 Live Law (SC) 870** 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 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, the son of the petitioner is a resident of Italy. The petitioner took a sum of Rs.15 lakhs from the complainant in order to settle his son in Italy. However, false documents were provided to the son of the petitioner who was taken to Italy and treated as

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bonded labour. Thereafter, he was apprehended by the Italian authorities on account of his illegal documents. Apparently, the offences stand *prima facie* established. Further, the investigation is to be taken to its logical conclusion for which the custodial interrogation of the petitioner is certainly required.

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

9. However, the observations made hereinabove are only for the purposes of deciding this bail petition and the Trial Court is free to adjudicate upon the matter on the basis of the evidence led before it uninfluenced by any such observations made herein.

(JASJIT SINGH BEDI)
JUDGE

13.11.2025

JITESH

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