



CRM-M-53482-2025

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CRM-M-53482-2025

Date of decision: 22.09.2025

Varinder Singh

...Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sanjeev Kumar Bawa, Advocate for the petitioner.

Mr. Amit K. Goyal, Additional Advocate General, Punjab.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail under Sections 482 of BNSS, 2023 in FIR No.137 dated 03.06.2025 registered for offences punishable under Sections 406 and 420 of the IPC at Police Station City Rupnagar, District Rupnagar.

2. The gravamen of the FIR pertains to defrauding a person namely, Jaspreet Singh, son of Daljit Singh, resident of village Allewal, District Roopnagar, who alleged that in July 2023, he came in contact with accused Varinder Singh (petitioner herein), resident of Roopnagar, who assured the complainant that he can settle him in Australia for a sum of Rs. 15 Lakhs. Accordingly, the complainant handed over his passport and documents in the month of October, 2023 at Shagun Dhaba, Roopnagar and made several payments to the aforesaid accused through cheque, Google Pay, NEFT/RTGS as well as cash, totaling about Rs.18.00 lacs. It was further alleged that the friend of the complainant namely Satvinder Singh was present at the initial transaction. The complainant alleged that instead



of sending him to Australia, the accused Varinder Singh (petitioner herein) had sent him to Dubai on 15.05.2024 with the promise of further sending him to Australia, which never happened. The complainant further alleged that he stayed in Dubai for about 03 months and had to return to India on account of the fact that he was left with no money. Despite repeated assurances, the accused neither made any arrangement for the migration of the complainant to Australia nor refunded his money. When the complainant demanded repayment, he was threatened by the accused. However, in the month of March 2025, on the pretext of filing an application, the accused obtained the signatures of the complainant on the blank papers which are still in the possession of the complainant as proof. The complainant asserts that despite repeated payments and assurances, the accused-petitioner did not arrange for his travel to Australia and instead sent him to Dubai in May 2024. The petitioner allegedly continued to assure the complainant that he would be sent to Australia and later threatened him when repayment was demanded. In this way, the accused namely Varinder Singh (petitioner herein) had cheated the complainant for a sum of Rs.18.00 lacs under the pretext of false promise of sending him abroad. On the basis of the aforesaid complaint, instant FIR has been registered against the petitioner 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 actual transaction(s)



involved other persons namely Sanjeev Kumar and Rohit Salwan, who ran the immigration consultancy in the name of Kalyana Immigration Services and the petitioner was only a facilitator in a deal involving Rs.44 lacs in total. Furthermore, the complainant has used the ATM card of the petitioner during his stay in Dubai for his personal expenses totaling to Rs.8,80,000/- which has been reflected in the account statement of the petitioner. Furthermore, there is delay in lodging the FIR and the same has been lodged only after the dishonor of cheques issued by the real culprits. It has been further submitted that the petitioner has been unnecessarily dragged into the instant case as nothing has to be recovered from him and the dispute, if any, lies between the complainant and the actual immigration consultancy. 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 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. *Per contra*, 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, the FIR and record reveal the active participation of the petitioner in inducing the complainant to part with huge amount i.e. Rs.18.00 lacs on the promise of securing permanent residency in



Australia. 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 his 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 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 allegations in the FIR cannot be brushed aside as vague or baseless. The complainant was induced to part with a substantial amount i.e. Rs.18.00 lacs on the assurance of the petitioner to send him abroad. The complainant has also given particulars of payments by cheque, online transfers and cash. The allegations in the FIR pertain to cheating and criminal breach of trust of sum of Rs.18.00 lacs which was obtained under the pretext of providing immigration services to the complainant. Furthermore, the complainant has specifically alleged that the petitioner played an active role in the



transactions, gave repeated assurances and promised refund of the money in case of non-fulfillment of the contract as alleged.

7. The plea of the petitioner that the actual culprits are Sanjeev Kumar and Rohit Salwan and that the complainant has used the ATM card of the petitioner while in Dubai, cannot be accepted, at this stage, considering his involvement at different/crucial stages. *Prima facie*, there appears to be *mens rea* and dishonest intention since the inception of the contract. The offence in question does not merely involve financial deceit but strikes at the very fabric of social trust, involving immigration fraud, which are not only grave in nature but also have far-reaching consequences on public. The allegations, if found to be true, reflect a deliberate attempt to mislead and defraud the complainant thereby not only causing wrongful loss to him but also eroding the public trust in immigration process. Such offences necessitate a strong and principled judicial response to prevent their recurrence.

8. 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 legal migration. 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.

9. 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 *may* 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 had defrauded the complainant of a substantial amount under the false pretext of facilitating the legal migration which caused severe financial and emotional distress. Moreover, the delay in lodging the FIR does not, by itself, dilute the gravity of the allegations when viewed in the backdrop of the repeated assurances and transactions over a period time.

10. 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. 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.”

11. In view of the gravity of the allegations, the large quantum of money involve, the specific role attributed to the petitioner as also 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 *milieu* of the case in hand. Moreover, the custodial interrogation of the petitioner may be necessary for an effective investigation & to unravel the truth. Accordingly, the petition is devoid of merits and is hereby dismissed.

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

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

(SUMEET GOEL)
JUDGE

September 22, 2025

Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No