



CRM-M-54835-2024
203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54835-2024
Decided on: 06.05.2025

Khushal Puri ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Saurav Bhatia, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

Mr. Ajay Kumar Chaudhary, Advocate
for respondent No.2.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
112	27.12.2023	Rahon, District Shaheed Bhagat Singh Nagar	13 of Punjab Travel Professionals (Regulation) Act 2014

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 18 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the status report dated 09.12.2024 filed by the State, which reads as follows:

“3. That it is respectfully submitted that the brief facts of the present case are that the instant case/FIR No.112 dated 27.12.2023 has been registered under Section 420 of IPC and Section 13 of Punjab Travel Professionals (Regulation) Act 2014 at Police Station Rahon, District Shaheed Bhagat Singh Nagar against the present petitioner along with his co-accused namely Rimpi Puri wife of Rajesh Kumar (mother of petitioner) and Vishal Puri son of Rajesh Kumar (brother of petitioner) on the complaint No. 1089-PTM dated 10.07.2023, moved by the complainants namely Ram Lubhaya son of Sohan Lal (respondent No.2) and Kirpal Kaur wife of Late



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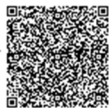
Amrik Singh, residents of Mohalla Sarafan, Rahon, Tehsil Nawanshahr, District SBS Nagar to the Senior Superintendent of Police, SBS Nagar against the petitioner and his co-accused for deceiving the complainants to the tune of Rs. 6,80,000/- on the pretext of sending their sons abroad i.e. Armenia. The complainants further alleged in their aforementioned complaint that the petitioner Khushal Puri, is a travel agent and he had entered into one agreement dated 28.04.2023 (Annexure RI/T) with the sons of the complainant's namely Jaspreet Singh son of Ram Lubhaya and Swaranjit Singh son of Surin Singh, residents of Mohalla Sarafan, Rahon, District SBS Nagar whereby the petitioner agreed to send the sons of the complainant abroad i.e. Armenia and for this purpose, the petitioner agreed to charge a total amount of Rs. 6,80,000/- (Rs. 3,40,000/- per person) from them. The complainants further alleged that at the time of receiving original passports of the sons of the complainants, the petitioner got transferred Rs. 1,00,000/- (Rs. 50,000/- per person) into his joint bank account No. 144301000004564 with his mother Rimpay Puri, maintained at Indian Overseas Bank, branch Nawanshahr from the sons of the complainants and thereafter, the petitioner further got transferred Rs. 3,00,000/- (Rs. 1,50,000/- per person) into the aforesaid bank account from the sons of the complainants. The petitioner sent the sons of the complainants to Armenia, where, the petitioner received a sum of Rs. 2,80,000/- in cash from the sons of the complainant through his brother namely Vishal Puri, but the petitioner did not provide accommodation, work, 5 years work permit and social card in Armenia, to the sons of the complainants as per the agreement dated 28.04.2023 (Annexure RI/T) executed by the petitioner. The complainant further prayed to take legal action against the petitioner and his aforementioned co-accused."

4. The petitioner's counsel submits that he has brought demand draft of Rs.1,50,000/- drawn in favour of the complainant and voluntarily handing over the same to the complainant's counsel. However, counsel for the complainant submits that the amount was much more and this amount is not sufficient. Petitioner's counsel further prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

REASONING:

6. Given the petitioner's voluntarily handing over the demand draft of Rs.1,50,000/-, this Court does not deem appropriate to send the petitioner for custodial interrogation subject to the condition that petitioner shall join the investigation and fully cooperate with the investigator in recovery of remaining amount which was attributed to him. The investigator is directed to take steps to recover the entire proceeds of crime and if the investigator feels necessary, he can freeze the accounts of such persons where the amount is transferred upto the extent that money was transferred.



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7. Pre-trial incarceration should not be a replica of post-conviction sentencing. 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.

8. 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, subject to the compliance of terms and conditions mentioned in this order. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

9. Given above, provided the petitioner is not required in any other case, the petitioner 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.

10. While furnishing a personal bond, the petitioner 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)	

11. This order is subject to the petitioner's complying with the following terms.

12. The petitioner is directed to join the investigation as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner 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 petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

13. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence,



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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.

14. 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 petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

15. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

16. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

17. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner 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.

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

(ANOOP CHITKARA)
JUDGE

06.05.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.