



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57823-2025 (O&M)
Date of Decision: 10.11.2025

TALWINDER SINGH

..... Petitioners

Versus

STATE OF PUNJAB AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Nikhil Ghai, Advocate
for the petitioners.

Mr. Gorav Kathuria, DAG, Punjab.

Mr. L. S. Sidhu, Advocate
for respondent No.2.

YASHVIR SINGH RATHOR, J. (Oral)

1. Prayer in this petition under Section 482 of BNSS, 2023 is for grant of anticipatory bail in case FIR No.230, dated 27.08.2025, registered at Police Station Dharamkot, District Moga, Punjab (Annexure P-1), under Sections 420 of IPC, 1860.

2. In compliance of order dated 29.10.2025 passed by this Court, status report by way of affidavit dated 06.11.2025 of Rajesh Thakur, PPS, Deputy Superintendent of Police, Dharamkot, District Moga filed on behalf of the respondent-State is taken on record. Registry is directed to tag the same at an appropriate place.

3. Both the parties have been heard and material on file has been perused.



4. The present case was registered on the basis of a statement given to the police by Balwinder Singh against Sukhwinder Singh @ Sukh Gill and Talwinder Singh, with the allegations that Fateh Immigration, Dharamkot, is operated by Sukhwinder Singh @ Sukh Gill and his brother Talwinder Singh (petitioner), who are engaged in the work of sending people abroad. They demanded Rs.18 lakh for sending him and his daughter to Canada and they were also required to get a two-year work permit for his daughter. In all, he paid Rs.18 lakh to them, out of which some amount was paid in cash and some amount was paid into their accounts and on one occasion, while making a payment of Rs.5 lakh, he had recorded a video. Later on, they came to know that the firm opened by them is fake. They requested them to return the amount, on which Sukhwinder Singh @ Sukh Gill issued one cheque, which has been dishonoured. Whenever they demanded money, they were threatened to be killed and he sought action against them.

5. Learned counsel for the petitioner contended that it is co-accused Sukhwinder Singh @ Sukh Gill, who is the brother of the petitioner, who had taken money from the complainant for sending the complainant and his daughter abroad. The petitioner never played any role and never promised to send them abroad. The money, if any, is to be returned by Sukhwinder Singh @ Sukh Gill and the petitioner has no concern with the same. He is ready to join the investigation and to abide by the conditions that may be imposed by the Court and the benefit of anticipatory bail be extended in his favour.

6. On the other hand, learned State counsel assisted by learned counsel for the complainant has opposed the bail and argued that the



complainant has been cheated of a huge sum of money by the petitioner and his brother. As such, custodial interrogation of the accused is essential and rather, the grant of ad-interim bail will hamper the investigation. Learned State counsel next contended that in view of the gravity of the offence, the petitioner does not deserve the concession of anticipatory bail and the application in hand be dismissed.

7. It is well settled that the power to grant anticipatory bail is of extra-ordinary nature and is to be sparingly used with circumspection as held in 2022 (4) RCR (Criminal) 968 titled as **"Sachin @ Sachin Ahuja Vs. State of Punjab"**. In SLP (Crl.) 7940 2023 titled as **"Shri Kant Upadhyay Vs. State of Bihar"**, Hon'ble Apex Court has held that grant of interim protection or protection from arrest to an accused in a serious case may lead to miscarriage of justice and may hamper investigation to a great extent as it may sometimes lead to tampering or destruction of evidence. The court is cognizant of the fact that power of anticipatory bail is to be exercised in exceptional circumstances as it may cause some hindrance to normal flow of investigation which would undermine the case of the prosecution.

8. The allegations against the petitioner are serious in nature. He, along with his brother, is running the business of sending people abroad and they took Rs.18 lakh from the complainant for sending him and his daughter abroad and to arrange a work permit for his daughter. However, neither have they been sent abroad nor has the amount been returned. Rather, the cheque issued by co-accused Sukhwinder Singh @ Sukh Gill to return the amount has been dishonoured. Such types of offences are increasing day by day and have to be handled with an iron hand. In case the petitioner is interrogated under the protective umbrella



of the order of interim anticipatory bail in his favour, he will not answer the questions in the right earnest. Rather, his custodial interrogation is essential for complete and effective investigation and in case the benefit of anticipatory bail is extended, it will hamper the investigation.

- 9. Dismissed.
- 10. Pending misc. application (s), if any, shall also stand disposed of.

(YASHVIR SINGH RATHOR)
JUDGE

10.11.2025
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No