



CRM-M-58283-2025

1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

103

CRM-M-58283-2025

Date of decision: 27.10.2025

Shivneet Singh @ Shivneet Chandla

...Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sukhjot Singh, Advocate for the petitioner.

Mr. Amit Goyal, Additional Advocate General, Punjab.

Ms. Tarranum Madan, Advocate with

Mr. Inderdeep Singh, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail under Section 482 of BNSS, 2023 in FIR No.40 dated 06.06.2025 registered for offences punishable under Sections 420 of IPC at Police Station City Ahmedgarh, District Malerkotla.

2. The gravamen of the FIR pertains to defrauding the complainant namely Inderbir Singh, son of Amrinder Singh, resident of Ward No.12, Mohalla Shiv Puri, Ahmedgarh, on the pretext of sending him abroad. The complainant alleged that in April, 2023 he contacted the petitioner namely Shivneet Singh Chandla, proprietor of Royal Capital Immigration consultant, SCO No.42, Sant Market, GT Road, Khanna, for arranging an LMIA (Labour Market Impact Assessment) for Canada. The total amount finalized for the same is Rs.12.00 lacs and the complainant had paid an advance of Rs.1.00 lac at the office of the petitioner. In May, 2023,

the petitioner took the complainant to The Visa World, Sector 70, Mohali

**CRM-M-58283-2025****2**

stating that LMIA process of the complainant would be handled through the said consultant. There, the petitioner showed the complainant an offer letter from Kova Engineering for the post of Assistant Technician with a joining date of 20.12.2023 but no official documents were given to the complainant. On 20.05.2023, as instructed, the complainant further transferred a sum of Rs.5.00 lacs from his SBI account to the account of RCIC which belonged to the firm of the petitioner. In August, 2023, the petitioner called the complainant to Yellow Leaf Immigration, Sector 18, Airport Road, Chandigarh by saying that aforesaid firm (i.e. The Visa World, Sector 70, Mohali) and this firm had the same owner. There the complainant had shown the confirmation from the Canadian Government and made him believe that his case has been approved by the Canadian Government but the petitioner again refused to give the complainant any documents by saying that same were confidential in nature. Later, on the demand of the petitioner, the complainant transferred another sum of Rs.3.00 lacs from his Axis Bank account to the same RCIC account which belonged to the petitioner. Despite repeated follow-ups, the complainant came to the know that his file was never applied for the LMIA in Canada. Thereafter, in January 2024, the petitioner informed the complainant that he now needed to clear IELTS examination as per the new rules, though the petitioner had known about this since September, 2023. When the complainant realized that he had been cheated, he immediately asked for refund of his amount totaling to Rs.9.00 lacs. Accordingly, the petitioner promised to return the amount within a month but he failed to do so. In February, 2024, the petitioner alleged he was filing a case against his partner company as the

**CRM-M-58283-2025****3**

petitioner claimed that the he was also cheated by them. In this manner, the petitioner neither returned the amount of the complainant nor sends him to Canada. On these set of allegations, instant FIR has been registered and investigation ensued.

3. Learned counsel for the petitioner has iterated that the petitioner is a licensed immigration consultant and has no role in the alleged fraud. Learned counsel has further iterated that one Hardev Singh, a close friend of the petitioner and relative of the complainant, has requested the petitioner to assist the complainant in processing his case through another agency i.e. The Visa Land located at Mohali which specialized in LMIA cases. According to learned counsel, the petitioner merely acted as a mediator between the complainant and The Visa Land and the complainant has handed-over all his documents to that agency. Furthermore, the complainant transferred a sum of Rs.18.00 lacs into the account of the petitioner on the directions of his friend namely Hardev Singh which was immediately remitted to The Visa Land and accordingly receipts were issued in the name of the complainant. It has been argued that the proprietors of The Visa Land absconded after cheating multiple persons and instead of proceedings against them, the complainant, in collusion with his friend namely Hardev Singh, falsely implicated the petitioner. Learned counsel has further submitted that the petitioner has filed a civil suit seeking protection from illegal coercive actions by the complainant and his friend namely Hardev Singh and the FIR is a counterblast to the said suit. Moreover, it has been argued that the ingredients of Section 420 of IPC are not made out as there was no dishonest intention at the inception of the transaction and the



CRM-M-58283-2025

4

dispute is purely civil in nature. It has been further argued that the petitioner has clean antecedents and is willing to fully cooperate with the investigation. 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 petitioner was directly involved in inducing the complainant to part with his money on the pretext of arranging employment in Canada. Learned State counsel has emphasized that the evidence collected so far suggests dishonest intention at the inception thereby attracting the provisions of Section 420 of IPC and his custodial interrogation may be necessary to trace the money trail, identify other possible accused persons and collect documentary evidence. Furthermore, learned State counsel has submitted that in case the petitioner is granted the concession of pre-arrest bail, at this stage, it may impede the ongoing investigation. Accordingly, a prayer has been made for the dismissal of the instant petition.

5. Learned counsel appearing for the complainant has vociferously opposed the grant of bail to the petitioner by raising submissions in tandem with the learned State counsel.

6. I have heard the learned counsel for the rival parties and have gone through the available record of the case.



7. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. It is not disputed that a sum of Rs.18.00 lacs was transferred into the bank account of the petitioner by the complainant. The plea of the petitioner that he has remitted the said amount to another agency i.e. The Visa land, remains unsubstantiated by any conclusive documentary proof at this stage. No formal agreement, acknowledgement or correspondence has been produced before this Court to show that the role of the petitioner was merely that of a facilitator. Furthermore, it has come on record that the petitioner himself accompanied the complainant to various offices and personally represented and, thereafter, the process for Canadian employment was being undertaken. Such active participation *prime facie* reflects an element of inducement and misrepresentation. At this stage, the investigation is still underway and the custodial interrogation of the petitioner may be essential to trace the financial flow, recover the relevant documents and ascertain the involvement of other individuals. The seriousness of the allegations and the involvement of the petitioner in inducing the complainant as also the money trail weigh heavily against the grant of anticipatory bail to the petitioner.

8. It is trite law that anticipatory bail is an extraordinary remedy not to be granted as a matter of course, particularly in cases involving heinous offences. While considering anticipatory bail, the Court must strike a balance between the right of the individual to liberty and the need for free, fair and effective investigation. Moreover, the plea that the dispute is civil in nature cannot be accepted at this stage, as the allegations *prima facie* disclose deception and dishonest intention at the inception which constitute



CRM-M-58283-2025

6

the essential ingredients of Section 420 of IPC. The investigation is going on and to identify the other possible accused persons, this Court does not consider it appropriate to grant bail to the petitioner at this nascent stage. In the considered opinion of this Court, granting anticipatory bail to the petitioner at this stage may likely to hamper the on-going investigation. No cause *nay* 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.

9. 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 task of disinterring offences would not conduct themselves as offenders.”

10. Considering the seriousness of the allegations, the nature of the offence and the stage of investigation as also the necessity of custodial interrogation for recovery of the amount in question, 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.

11. In view of the prevenient ratiocination, it is ordained thus:
- (i) The instant petition is devoid of merits and is hereby dismissed.
 - (ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
 - (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

October 27, 2025
Ajay

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