**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**
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262 **CRM-M-59950-2025**
Date of Decision : 22.12.2025

MOHIT NISHCHAL AND ANOTHER
...Petitioners

VERSUS

STATE OF PUNJAB
...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Amit Dhawan, Advocate
for the petitioners.

Mr. Gautam Thapar, Sr. DAG, Punjab.

Mr. J. S. Ghumman, Advocate
for the complainant.

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AARADHNA SAWHNEY, J. (ORAL)

1. This petition for grant of anticipatory bail under Section 482 BNSS, has been filed by petitioners, accused in case bearing FIR No.186 dated 23.09.2025, registered against them at Police Station Division 6, District Police Commissionerate Jalandhar, for the commission of offences punishable u/s 406, 420, 120-B IPC.

2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

Mehal Singh, son of Virsa Singh, resident of ward No.12, Village Agwar Sidhuan, Dharamkot, District Moga, set the criminal law in motion by filing a complaint pointing therein that Shabnam Nischal (petitioner No.2), who had sent one of his distant relatives to Europe was known to him. He had a talk with her about sending his son to foreign land. She assured to send his son

Gagandeep Singh to New Zealand on work permit, which may cost about 15 to 16 lakhs. Relying on the assurance given by her, Rs.1,50,000/- was transferred in her account on 03.05.2024. A month thereafter, Tourist Visa for New Zealand was arranged. Both Shabnam (petitioner No.2) and her husband, namely, Mohit Nishchal (petitioner No.1) demanded more money by stating that the expenses have escalated to Rs.19 lakhs. Since complainant was desirous of sending his son abroad, Rs.16,50,000/- in all, was transferred in her account and on her asking remaining amount of Rs.2,50,000/- was paid in cash to one Sikander Singh at Nakodar Chowk, Jalandhar. After passport was received by complainant on 11.05.2025, he became suspicious and made enquiries at his own level and also got the Visa checked up from New Zealand Embassy, whereupon, to his utter surprise and shock he came to know that he had been cheated and that the Visa was fake. Thereafter, he contacted both petitioners and requested them to return the amount. Initially, they kept on lingering the matter and came up with the plea that the information given by Embassy is not correct. But later they stopped responding to his calls. Complainant further pointed out that on several occasions he visited the office of petitioners, to find out about their whereabouts but could not make much headway. On one such ocassion, when they visited the house of petitioners, they met petitioner No.1 (husband of petitioner No.1) and his brother, who assured to amicably resolve the dispute. In pursuance thereof two cheques, bearing No.000021 dated 12.05.2025 amounting to Rs.5,00,000/- and No.000022 dated 02.06.2025 amounting to Rs.5,50,000/-, drawn at Bank of Baroda were handed over to them. Cheque dated 12.05.2025, when presented to the bank was dishonoured. Complainant also mentioned the details of the amount credited in the account of petitioner No.2, as also the cash amount handed over at her instance to people known to her (petitioner No.2). Towards the end, he alleged that a calculated fraud has been played on him by both petitioners, who duped him of his hard earned money by extending false promises/assurances that they would be able to send his son abroad, knowing fully well that they would not be able to do so.

In May 2024, Rs.1,50,000/- were credited in the account of petitioner No.2. Certain *'WhatsApp'* conversations between complainant and petitioner No.2 also came to the notice of police authorities. In all Rs.10,50,000/- was transferred by complainant in the account of petitioner No.2. That apart, Rs.5 lakhs were paid by cheque to Apurva Arora, partner of MR Overseas Visa. It further came out during the enquiry that accused-persons had called complainant to his office and had given him the job letter of his son, who was to work as a 'Waiter' at a restaurant in New Zealand, as also further intimated him that boy has to be interviewed. This fact was not communicated to him earlier. On 31.12.2024, after some more amount was paid to petitioners, it was intimated to petitioner that his son - Gagandeep could not clear the interview. As complainant was in a state of panic, accused-persons demanded Rs.2,50,000/- from him on the assurance that even without clearing the interview, the boy would be sent abroad. Later, it also came to the notice of the police authorities that the job letter and visa sent by accused-persons were fake. Factum of amicable settlement having been arrived at between petitioners and complainant on account of interventions made by Panchayat members was also verified by the police authorities. It is in pursuance of the said assurance that aforementioned two cheques dated 12.05.2025 and 02.06.2025 amounting to Rs.5,00,000/- and Rs.5,50,000/-, respectively, were given by the petitioners. Co-accused Sikander was found to have returned Rs.97,000/- to complainant on 28.04.2025. As noticed above, one of the cheque when presented before the bank was returned with the remark *"Payment stopped* *by the drawer”*. Thus, finding substance in the allegations leveled by the complainant, a formal case vide FIR No.186 dated 23.09.2025, u/s 406, 420, 120-B IPC, was registered.

3. Apprehending their arrest, present petitioners had moved an application for grant of pre-arrest bail. The same was dismissed by the learned Additional Sessions Judge, Jalandhar, in terms of order dated 06.10.2025. Aggrieved of which, the present petition has been filed.

4. Learned counsel for the petitioners submits that both the petitioners have been falsely implicated in the present case. A bare perusal of the allegations levelled in the complaint, when critically analyzed, as per learned counsel, would reveal that false story has been concocted by the complainant only with a view to harass the couple (both petitioners), as also to extract illegal monetary benefit from them. Continuing further, learned counsel submits that petitioner No.2 (Shabnam) is working as an employee of ‘MR Overseas Visa’. She has always performed her duties diligently. The entire procedure had been explained to complainant and only after he consented to the same, further proceedings were initiated. Learned counsel contends that complainant was made aware of the fact that his son would have to face an interview and that only after he clears the same, the boy would be sent abroad. Unluckily, son of petitioner could not clear the interview, on account of which, the employers in New Zealand did not agree to give him the employment. Thus, no fault can be attributed to petitioners. It is further the submission of learned counsel that when seen in the light of the submissions advanced hereinabove, it is apparent that the complainant got the FIR registered by misusing his links with the local politicians of the area. Further petitioner No.1, namely, Mohit Nishchal, who is husband of petitioner No.2 is working in the Hand Tools Industry. Further, as per learned counsel, even if the

allegations levelled in the complaint are taken to be true at its face-value (though not admitted), the role attributed to petitioner No.1 is that in pursuance of settlement arrived at between the parties, he had issued cheques bearing No.000021 dated 12.05.2025 and No.000022 dated 02.06.2025, which had been dishonoured with the remark *“Payment stopped by the drawer”*. He has nothing to do with the immigration business, nor is in any which way connect with MR Overseas Visa.

The next leg of argument raised by learned counsel for the petitioners is that when complainant along with 20 musclemen barged inside their (petitioners) house, they were compelled to enter into so-called compromise and only with a view to safe their lives, cheques were issued. This fact was though brought to the notice of police authorities but no action has been initiated till date. Towards the end, learned counsel contends that lenient view deserves to be taken in favour of petitioner No.2, who is in advance stage of pregnancy and has been advised complete bed rest by the treating doctor (opinion of the treating doctor has also been placed on record). Moreover, her exact role in the entire incident is yet to be ascertained. Thus, in crux, submission of learned counsel is that custodial interrogation of both petitioners is not needed as nothing is to be recovered from them. Nonetheless, being law abiding citizens they are ready and willing to join the investigations as and when called by the Investigating Officer.

5. *Per contra,* while opposing the request for grant of bail, learned counsel for the complainant, as also learned State counsel referred to Status Report dated 16.11.2025 by way of affidavit of Mr. Pankaj Kumar, Assistant Commissioner of Police, Model Town, Commissionerate Jalandhar, filed on behalf of respondent-State. In para 18 thereof, the role of petitioners has been highlighted. It needs to be pointed out here that after complaint was received, the

police authorities enquired into the matter, collected incriminating material (copies of WhatsApp conversion, bank account statements etc.) and on finding substance in the allegations levelled, went ahead and registered the present FIR. The name of petitioner No.2 has been specifically mentioned by complainant in his complaint as being the person, who was known to him earlier, as she had sent his distant relative abroad. He approached her and expressed his desire to send his son abroad. She assured him that she would be able to do the needful and demanded money from the complainant. In all Rs.10,50,000/- was transferred by complainant in the bank account of petitioner No.2. Police authorities also found out that initially it was not disclosed to complainant that his son would have to face an interview and a job letter allegedly issued by 'Tandoori Restaurant' at New Zealand was also handed over to complainant. Later, when substantial amount money was credited in account of petitioner No.2 and other accused, they came up with a story that since son of petitioner could not clear the interview, he would not be in a position to go abroad. The story does not end here, co-accused Sikander (yet to be arrested) again demanded Rs.2,50,000/- from complainant and assured him that he would impress upon the employer in New Zealand not to conduct the interview. When complainant got suspicious, he contacted New Zealand Embassy through an online enquiry number, it is at that stage that he came to know that visa and job letter sent by accused-persons were fake.

Learned State counsel contends that plea taken by petitioners that they were compelled to issue cheques in favour of complainant, who had allegedly barged in their house along with 20 musclemen of the area, is purely an afterthought. Further, there is nothing to suggest that any complaint in writing was moved by the petitioners. The very fact that two cheques were issued by petitioner No.1, one of which when presented in the bank returned with remarks

"*Payment stopped by drawer*" is also indicative of their involvement in the entire offence.

It has thus been prayed that presence of petitioners is needed for custodial interrogation to recover the alleged money received by petitioner No.2, as also to know who all are involved in this racket. With these submissions, he prays for dismissal of the present petition.

6. I have heard learned counsel for the parties and perused the documents available on record.

7. Before expressing any opinion on the submissions raised by learned counsel of the parties, it would be appropriate to refer to certain judgments of Hon'ble Supreme Court, wherein the factors to be kept in mind while dealing with an application for grant of anticipatory bail, have been discussed.

Hon'ble the Supreme Court in "***P. Chidambaram vs. Directorate of Enforcement, ((2020) 13 SCC 791)***, has observed as under:-

> "67. *Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 Cr.P.C 1973 is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of the accusation; possibility of applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy.*"

Hon'ble the Supreme Court while deciding the case titled as ***"Ms. X Vs. The State of Maharashtra and another", (2023 SCC Online SC 279)*** held as under:-

> "*11.1. We propose to take a quick look at the considerations that ought to govern grant of anticipatory bail. There are a line of decisions of this court that have underscored the fact that while deciding an application for bail, the court ought to refrain from undertaking a detailed analysis of the evidence, the focus being on the prima facie issues including consideration of some reasonable grounds that would go to show if the accused has committed the offence or those facts that would reflect on the seriousness of the offence. The self-imposed restraint on delving deep into the analysis of the evidence at that stage is for valid reasons, namely, to prevent any prejudice to the case set up by the prosecution or the defence likely to be taken by the accused and to keep all aspects of the matter open till the trial is concluded.*
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> *12. In **Prasanta Kumar Sarkar's case (supra) (Prasanta Kumar Sarkar Vs. Ashish Chatterjee and another)**, a Division Bench of this Court had highlighted the factors that ought to be borne in mind while considering the anticipatory bail application and had stated that :-*
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> > *"9. We are of the opinion that the impugned order is clearly unsustainable. It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:*
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> > *(i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;*

(ii) nature and gravity of the accusation;
(iii)severity of the punishment in the event of conviction;
(iv)danger of the accused absconding or fleeing, if released on bail;
(v) character, behaviour, means, position and standing of the accused;
(vi) likelihood of the offence being repeated;
(vii) reasonable apprehension of the witnesses being influenced; and
(viii) danger, of course, of justice being thwarted by grant of bail."

In "***Nikita Jagganath Shetty @ Nikita Vishwajeet Jadhav vs. The State of Maharashtra and another" (2025 AIR SC 3375)***, the Hon'ble Supreme Court held that *"Anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner."*

Factual aspects leading to the lodging of the FIR have already been noticed in para 2 of this order. Status report also reveals that none of the accused have been arrested in the present case. Role of the petitioners has been highlighted in status report, as has also been noted in the submissions of learned State counsel. Insofar as petitioner No.1 is concerned, the only role attributed to him is that he, in pursuance of settlement arrived between the parties, issued two cheques bearing No.000021 dated 12.05.2025 and No.000022 dated 02.06.2025, one of which (cheque No.000021 dated 12.05.2025) when presented before the bank was dishonoured. No specific allegation of petitioner No.1 inducing complainant to part with his hard earned money and extending assurance to him (C) to send his son abroad, have been levelled.

Accordingly, the Court is of the opinion that petitioner No.1 has been able to make out a case of exceptional depravity/hardship in his favour, in case extraordinary relief of pre-arrest bail is not allowed to him. He is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS.

However, as regards petitioner No.2, specific allegations have been levelled against her. In her account Rs.10,50,000/- were transferred. The fact that she was instrumental in sending one of the relatives of complainant abroad was also verified by the police authorities and was found to be correct. In view thereof, the Court is of the opinion that custodial interrogation of petitioner No.2 is needed to recover sum of Rs.10,50,000/-, which was credited in her bank account, to find out the whereabouts of other accused, who are still at large, as also to know as to how many innocent persons have been duped, who all are involved in the incident, their *modus operandi* etc. Her request for grant of pre-arrest bail is declined.

In the above mentioned terms, the present petition stands disposed of.

(AARADHNA SAWHNEY)
JUDGE

22.12.2025
Nisha Yadav

Whether Speaking/reasoned	*Yes/No*
Whether Reportable	*Yes/No*