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

**CRM-M No.662 of 2025
Date of Decision: 12.01.2026**

Inderjit Rana @ Inderjit Singh Rana

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Dr. Naresh Kaushik, Advocate
for the petitioner.

Mr. K.D. Sachdeva, D.A.G., Punjab.

Mr. Gurinder Singh Hayer, Advocate
for respondent No.2/complainant.

RAJESH BHARDWAJ, J.

1. Present petition has been filed praying for the grant of anticipatory bail to the petitioner in case bearing FIR No.140, dated 22.10.2024, under Section 420 of IPC and Section 24 Emigration Act, 1983, registered at Police Station Amargarh, District Malerkotla.

2. Succinctly the facts of the case are that FIR in the present case was registered on the statement of complainant, namely, Jagjit Singh. It was alleged that his relative Mandeep Singh met Inderjit Singh Rana (present petitioner) and his father, Rajinder Singh at Khanna, where Mandeep Singh told them that they send people abroad and talked to complainant over call. That on dated 07.07.2023, the petitioner and his father Rajinder Singh came to the house of the complainant in Village



Bhatian Kalan and they finalized the deal with the complainant to send him and his wife to U.S.A. for a sum of Rs.64,00,000/- within one month and they took their Passports and Aadhar Cards with them. On 09.08.2023, the complainant paid an amount of Rs.3,00,000/- in the account of the petitioner. It has been further alleged that on dated 20.08.2023, the petitioner and his father again visited the house of the complainant and demanded Rs.10,30,000/- for purchasing the foreign currency and the complainant has paid the aforesaid amount in cash to the petitioner and his father in presence of Nirmal Singh and Gurpreet Singh. It has been further alleged that on dated 31.08.2023, the complainant and his wife went to Delhi for purchasing of tickets for U.S.A. and remained there for one and half month but the accused persons did not arrange any flight and then they returned back to their house and whenever they talked to the aforesaid accused persons, they started putting off the matter on one pretext or the other. It has been further alleged that on dated 22.01.2024, the complainant and his wife were called at Chandigarh with regard to the Visa for which the complainant has deposited fees of Rs.19,908/- but the petitioner and his co-accused got the complainant wrong Germany Visa by filing wrong documents and they did not got the Visa for the wife of the complainant and when the complainant objected that he would not go alone, they told the complainant that he have to go alone and his wife would be sent lateron. It has been further alleged that the deal was to send the complainant and his wife to the U.S.A. but the petitioner and his father



got them Visa of Germany with an intention to usurp their money. It was alleged that thereafter when the complainant reached Germany, the Immigration Authority asked the complainant that his Visa was expired and he was directed to go back to India and when the complainant apprised the aforesaid matter to the petitioner and his father, they asked the complainant that they were not going to return his money and also told him to stay there and also advised the complainant to take asylum. It has been further alleged that as advised by the petitioner, the complainant took asylum and then the complainant was taken to open camp, where they took the passport and money from the complainant and he was tortured and beaten up many times and was kept hungry for many days and that situation continued for 2½-3 months. It has been further alleged that on asking of complainant's father to bring his son back to India, the petitioner and his father again demanded Rs.13,00,000/-. However, on 28.05.2024, somehow the complainant managed to flee from there and with the help of two punjabi persons the complainant came back to India. It has been further alleged that in the aforesaid ways, total amount of Rs.30,50,000/- has been outstanding against the present petitioner and his father. Thus, prayer was made to take the legal action against the culprits. On registration of the FIR, the investigation commenced. Apprehending his arrest, the petitioner approached the Court of learned Additional Sessions Judge, Malerkotla praying for the grant of anticipatory bail. However, after hearing both the sides, finding no merit in the same, the learned Additional Sessions Judge, Malerkotla dismissed the petition



filed by the petitioner vide his order dated 19.11.2024. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of anticipatory bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that the matter in dispute is purely of civil nature between the parties but the complainant has given the colour of criminal nature with malafide intention. He submits that no recovery is to be effected from the present petitioner. He submits that to show his bona fide, he was ready to settle the matter and thus, requested this Court to refer the matter to the Mediation and Conciliation Centre of this Court, however, the mediation remained unsuccessful. He has submitted that in the facts and circumstances, the petitioners deserve to be granted anticipatory bail.

4. Learned counsel for the complainant has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner had played an active role in cheating the complainant in connivance with the co-accused. He has submitted that petitioners had sought the interim protection by this Court on the false promise. He submits that the petitioner was never keen to settle the dispute amicably as was submitted before this Court which is evident from the fact that despite various opportunities, the matter could not be settled and mediation remained unsuccessful. He thus, submits that the petitioners do not deserve the concession of anticipatory bail.



5. Learned State counsel had opposed the submission made by counsel for the petitioner and has submitted that the petitioners had committed cheating in connivance with other co-accused. He submits that the petitioner has induced the complainant by making false promises. He submits that the investigation is at the initial stage and custodial interrogation of the petitioners are required for free and fair investigation. He submits that no case for grant of anticipatory bail to the petitioners, is made and thus, the present petition deserves to be dismissed.

6. On hearing of the counsel for the parties and perusing the record, it is apparent that the petitioner is indulged in illegal business of immigration and duped the complainant for a huge amount on the false pretext of sending the complainant and his wife to U.S.A., however, rather the complainant was sent to Germany and thereafter, his Visa was found to be expired. Perusal of the case file would show that, vide order dated 10.01.2025, counsel for the petitioner submitted that de hors the allegations made in the FIR, the petitioner was ready to settle the dispute amicably with the complainant and with the consent of the parties, the matter was referred to the Mediation Centre for exploring the possibility of amicable settlement and the petitioner was granted interim protection. However, time and again despite availing various opportunities, the mediation remained unsuccessful. It is evident that on 08.05.2025, the matter was again referred to the Mediation Centre and in the meantime, petitioner was directed to join the investigation. Despite availing numerous opportunities, the settlement could take place between the



parties and the counsel for the petitioner failed to convince the Court regarding the failure of the mediation as undertaken before this Court. This Court finds that evidently the investigation is at threshold. The interim protection granted to the petitioner was only on the undertaking given before this Court that the petitioner was ready to settle the dispute but the same has been misused.

7. The Hon'ble Supreme Court in a recent judgment of '*Gajanan Dattatray Gore Vs. State of Maharashtra, 2025 INSC 913*' has held that bails should not be granted solely on the undertaking given by the accused persons. The relevant part of the same reads as under:-

'Be that as it may, now we have made ourselves very clear that there shall not be a single order that the High Courts and the Trial Courts shall pass for grant of regular bail or anticipatory bail on the basis of any accused or his/her family members giving an undertaking to deposit a particular amount. The plea shall be decided strictly on merits in accordance with law. If the case is made out on merits the court may exercise its discretion and if no case is made out on merits the court shall reject the plea for regular bail or anticipatory bail as the case may be. However, in any circumstances the High Courts or trial courts shall not pass a conditional order of regular bail or anticipatory bail.'

8. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) BNSS which reads as under:-

"Direction for grant of bail to person apprehending arrest:

- 1. When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may*



apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.

2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”*

9. As per the law settled by the Hon'ble Supreme Court, in ***Gurbaksh Singh Sibbia Vs. State of Punjab***, AIR 1980 SC 1632, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would always prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-

“31. In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of



the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail."



10. The Hon'ble Supreme Court in *State Vs. Anil Sharma*, (1997) 7SCC 187, held as under:-

“6. *We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable 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. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* found. Allegations made against the petitioner are serious in nature. Needless to say, the investigation is at the initial stage and in the facts and circumstances, custodial interrogation of the petitioner would be



essential and granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

12. In view of the overall facts and circumstances of the case, the petitioner does not qualify for the grant of anticipatory bail and the same is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

12.01.2026

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(RAJESH BHARDWAJ)
JUDGE

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