

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5547-2025 (O&M)
Date of Decision: 10.03.2026

ARVINDER KUMAR

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Atul Kaushik, Advocate
for the petitioner.

Mr. Neeraj Madaan, Sr. D.A.G., Punjab.

Mr. Aminder Singh, Advocate
for the complainant.

SANJAY VASHISTH, J. (ORAL)

1. Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of FIR No.0287 dated 27.10.2024, under Sections 406, 420 of IPC and Section 13 of the Punjab Travel Professionals (Regulations) Act, 2014, at Police Station Bhawanigarh, District Sangrur.

2. As per allegations, the petitioner duped the complainant by receiving an amount of Rs.16 lacs for sending his son abroad, whereas, an amount of Rs.5 lacs had been returned back to the complainant by the wife of the petitioner prior to the registration of the present case.

3. On 31.01.2025, the following order was recorded :-

“1. Prayer in this petition, filed under Section 438 of the Cr.P.C., is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case

arising out of First Information Report, as detailed hereunder :-

<i>Name of Petitioner (s)</i>	<i>FIR No.</i>	<i>Date</i>	<i>Section(s)</i>	<i>Police Station</i>	<i>District</i>
<i>Arvinder Kumar</i>	<i>287</i>	<i>27.10.2024</i>	<i>406, 420 of IPC and Section 13 of the Punjab Travel Professionals (Regulations) Act, 2014</i>	<i>Bhawanigarh</i>	<i>Sangrur</i>

2. Learned counsel for the petitioner, inter alia, contends that as per allegations, accused/petitioner had received total amount of Rs.16 lacs from the complainant for sending his son abroad, and even prior to the registration of the present case, an amount of Rs.5 lacs had been returned back to the complainant by the wife of the petitioner.

3. Considering that aspect, counsel for the petitioner submits that the dispute between the parties can be sorted out mutually also, and therefore, he proposes for recommending the dispute to the Mediation and Conciliation Centre of this Court.

4. Notice of motion.

5. On advance notice, Mr. Amandeep Singh, DAG, Punjab, puts in appearance on behalf of the respondent – State, and Mr. Aminder Singh, Advocate, puts in appearance on behalf of the complainant, and files his power of attorney in Court today, which is taken on record.

6. Counsel for the complainant agrees to the proposal given by counsel for the petitioner today before this Court.

7. Let both the parties appear before the Mediation and Conciliation Centre of this Court on 14.02.2025, to resolve their disputes amicably.

8. List again on 11.03.2025, awaiting report.

9. *Till the next date of hearing before this Court, arrest of the petitioner shall remain stayed.”*

3. After being apprised that petitioner’s wife namely, Chhavi Sharma is also an accused and is confined in jail since 24.12.2024, the following order dated 30.09.2025 was recorded and direction was issued to the Deputy Commissioner to conduct an inquiry before the next date fixed in the case :-

“1. It is brought to the notice of this Court that the immigration company, namely Star Future Education and Immigration, located in Sector 17, Chandigarh, is, in fact, being operated in the name of Ms. Chhavi Sharma, who is the wife of the petitioner.

2. It is further informed by learned State counsel that in connection with the present case, Chhavi Sharma, as a co-accused, has been in judicial custody for approximately two years, on allegations of having duped the complainant. Meanwhile, the petitioner, by projecting Chhavi Sharma as the primary actor in the business, has succeeded in securing the concession of anticipatory bail.

3. In light of these facts, this Court considers it necessary to ascertain whether the business in question was genuinely established and operated independently by wife of the petitioner Chhavi Sharma, or whether it was actually initiated and controlled by the petitioner, using his wife as a front to shield himself from criminal liability.

Accordingly, this Court directs that an inquiry be conducted by the Deputy Commissioner, who shall assign the same to a competent officer not below the rank of PCS, Punjab. The inquiry report shall be submitted before the next date of hearing.

4. *The Superintendent of Police is directed to arrange and forward a complete set of the present petition along with a copy of today's order to the office of the Deputy Commissioner for necessary action.*
5. *List again on 27.11.2025.*
To be shown in the urgent list.
6. *Interim order to continue."*

4. Today, the inquiry report, prepared on dated 09.03.2026, has been filed by the Deputy Commissioner whereby, it has been concluded that though the business is being run in the name of Chhavi Sharma (petitioner's wife) but chances of indirect or silent involvement of the petitioner cannot be ruled out, as Arvinder Kumar, being a Government employee, could have used the name and accounts of his wife for the business/documentation purposes.

It is submitted that the petitioner is involved in total five other cases of similar nature, which have been detailed in para No.11 of the status report and the same are reproduced hereunder also :-

<i>Sr. No.</i>	<i>FIR No. and Date</i>	<i>Under Section(s)</i>	<i>Police Station</i>
1.	25 dated 12.02.2024	406, 420, 120-B of IPC and 24 of the Immigration Act	PS Mataur, SAS Nagar
2.	08 dated 18.01.2024	406, 420, 120-B of IPC and 24 of the Immigration Act	PS Mataur, SAS Nagar
3.	242 dated 12.02.2024	406, 420, 120-B of IPC and 24 of the Immigration Act.	PS Mataur, SAS Nagar
4.	206 dated 12.02.2024	406, 420, 120-B of IPC	PS Mataur, SAS Nagar
5.	243 dated 12.02.2024	406, 420, 120-B of IPC	PS Mataur, SAS Nagar

5. Taking into consideration the involvement of the petitioner in other five cases of similar nature and as per deposition/statement dated

02.03.2026 of the Investigating Officer ASI Beant Singh, it is petitioner who along with co-accused Chhavi Sharma has cheated the complainant-Pawanjit Singh by making him a false promise to send his son Parvinder Singh to Australia and then got delivered Rs.16 lacs in this inducement.

I do not find any special reason, especially when the petitioner's wife is languishing in jail for the last two years, the petitioner is not entitled for enjoying the discretionary concession.

6. The petition is, accordingly, dismissed.

March 10, 2026

gurpreet

(SANJAY VASHISTH)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No