

2026:PHHC:041891



214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8795-2026
Date of Decision:16.03.2026

Ramandeep Singh ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Bikramjit Singh Baath, Advocate
for the petitioner.

Mr. Darshan Singh Malwai, Add. AG, Punjab.

Mr. Ritesh K. Sharma, Advocate
for respondent No.2.

AARADHNA SAWHNEY, J. (ORAL)

1. This is the second petition for grant of anticipatory bail filed by petitioner, an accused in case bearing FIR No.142 dated 20.09.2025 registered against him at Police Station Dhariwal, District Gurdaspur, for the commission of offences punishable u/s 420 IPC.
2. Learned State counsel and counsel for the complainant submit that based on the compromise arrived at between the parties financial dispute has been amicably resolved and a quashing petition i.e. CRM-M-6673-2026 has been filed, which is pending adjudication before this Court for 05.05.2026.
3. On 16.02.2026, following order was passed by this Court:-

“This is the second petition for grant of anticipatory bail filed by petitioner, an accused in case bearing FIR No.142 dated 20.09.2025 registered against him at Police Station Dhariwal, District Gurdaspur, for the commission of offences punishable u/s 420 IPC.

Documents on record reveal that the first petition seeking similar relief was dismissed by this Court, vide detailed order dated 12.01.2026 passed in CRM-M-56888-2025. The said order is reproduced hereinbelow:-

“1. Petitioner, an accused in case FIR No.142 dated 20.09.2025 registered against him, under Section 420 IPC at Police Station Dhariwal, District Gurdaspur, has filed the petition for grant of pre-arrest bail under Section 482 of BNSS.

2. Relevant facts as emerging from the documents on record be noticed herein below:-

“Beant Singh S/o Pavittar Singh, R/o village Chhotepur, Police Station Dhariwal, Tehsil & Distt. Gurdaspur set the criminal law in motion by filing a complaint, against Ramandeep Singh (petitioner) alleging therein that in May, 2024, he had had a conversation with Ramandeep Singh (a travel agent), who had set up his office under the name and style of “M/s Gurbaaz Travel Consultant” at Dhariwal, District Gurdaspur. The aforesaid Ramandeep Singh assured to send him(c) abroad. As he was desirous of settling abroad, he got taken in and the deal was struck at Rs.5,20,000/-. Ramandeep Singh assured to send him to Georgia on work permit. Half of the amount was given in cash by him(c) in front of his maternal uncle S. Jarnail Singh and his friend. Photographs were also clicked. The remaining money was paid online. After receiving the entire agreed amount, he(c) was sent to Georgia on 03.06.2024, where he came to know that the documents handed over to him were not proper/adequate and resultantly was deported back.

Complainant further stated that he stayed at Sharjah Airport for 03 days where no food was given to him and he had to spend 03 days while sitting on a chair. It is further the stand of complainant that when he was boarding flight from Delhi Airport to Georgia, he had to again purchase the tickets which costed him Rs.39,756.01/-. When he returned back to India and requested Ramandeep Singh to return the money, initially it was assured that the entire amount would be returned back. However, after delaying the matter for some months, Ramandeep Singh flatly refused.

Primarily with this backdrop complainant requested the police authorities to catch hold of Ramandeep Singh (p), who had taken Rs.5,20,000/- from him and had assured him (c) to send him to Georgia on work permit.

Complaint was inquired into by the police officials, finding substance in the allegations levelled by the complainant a formal case vide FIR No.142 dated 20.09.2025, under Sections 420 IPC was registered against the petitioner.

3. Apprehending his arrest, the present petitioner moved an application for grant of anticipatory bail before the Ld. Additional Sessions Judge, Gurdaspur. The same was dismissed in terms of the order

dated 29.09.2025. Aggrieved of which, the present petition has been filed.

4. *Learned counsel for the petitioner submits that petitioner a registered licence holder, running a travel agency under the name and style of "M/s Gurbaaz Travel Consultant" has been falsely implicated in the present case. In fact, in April, 2024 complainant visited the office of the petitioner and expressed his desire to settle abroad. Petitioner advised him (c) and made him aware about the pros and cons of various countries but complainant was clear that he wanted to go to Georgia on a tourist visa. After consulting the matter with the family members, on persistent request of the complainant, visa for Georgia valid from 09.05.2024 to 05.09.2024 was got issued on 06.05.2024. After receiving the visa complainant furnished an undertaking in writing mentioning therein that no one would be responsible if he has to return back to India. He further mentioned that he does not have any pending monetary transaction with the petitioner. This undertaking, as per learned counsel was given by the complainant out of his free will and volition (copy of the same appended as Annexure P-5 has also been referred to).*

It is the further submission of learned counsel that due to his own mistake complainant was deported from Georgia Airport and thereafter started threatening petitioner to return the money and also made it clear that in case the demands are not met, criminal case would be registered. The fact that the FIR was lodged after 04 months, as per learned counsel, suggests that facts have been twisted and a different colour has been given to the entire incident. Towards the end learned counsel submits that presence of the petitioner is not needed for custodial interrogation as nothing is to be recovered from him. Prayer for grant of pre-arrest bail has been made for.

5. *In compliance of the previous order, status report dated 11.01.2026 by way of affidavit of Mr. Kulwant Singh, PPS, Deputy Superintendent of Police, Sub-Division Rural, District Gurdaspur has been filed. The same is taken on record.*

Per contra, while opposing the request of grant of pre-arrest bail learned State counsel submits that petitioner who is a travel agent, cheated complainant by falsely assuring him that he would be able to send him (c) to Georgia on work permit, rather quite contrary to this, provided him the tourist visa. During the course of the inquiry, the factum of Rs.3,20,000/- having been credited in the account of the petitioner further endorses the allegations of the complainant. It is also the submission of learned State counsel that on account of misdeeds of petitioner, complainant was forced to return back. Such like incidents being on the rise, learned State counsel contends that strict view needs to be taken as also that petitioner has failed to make out a case of grant of extraordinary relief of pre-arrest bail, as his (p) presence is needed to find out as to how he is operating this racket, who all are involved, who all have been duped, as also to recover the money of the complainant. Dismissal of the petition was prayed for.

6. *I have heard learned counsel for the parties and carefully perused the documents 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 the 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, (2019) 9 SCC 24”, has observed as under:-

“Grant of anticipatory bail in exceptional cases

69. 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 CrPC 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 the applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail....

70.

71. Article 21 of the Constitution of India states that no person shall be deprived of his life or personal liberty except according to procedure prescribed by law. However, the power conferred by Article 21 of the Constitution of India is not unfettered and is qualified by the later part of the Article i.e. “...except according to a procedure prescribed by law”. In **State of M.P. v. Ram Kishna Balothia [State of M.P. v. Ram Kishna Balothia, (1995) 3 SCC 221: 1995 SCC (Cri) 439]**, the Supreme Court held that the right of anticipatory bail is not a part of Article 21 of the Constitution of India and held as under: (SCC p. 226, para 7)

“7. ... We find it difficult to accept the contention that Section 438 of the Code of Criminal Procedure is an integral part of Article 21. In the first place, there was no provision similar to Section 438 in the old Criminal Procedure Code. The Law Commission in its 41st Report recommended introduction of a provision for grant of anticipatory bail. It observed:

‘We agree that this would be a useful advantage. Though we must add that it is in very exceptional cases that such power should be exercised.’

In the light of this recommendation, Section 438 was incorporated, for the first time, in the Criminal Procedure Code of 1973. Looking to the cautious recommendation of the Law Commission, the power to grant anticipatory bail is conferred only on a Court of Session or the High Court. Also, anticipatory bail cannot be granted as a matter of right. It is essentially a statutory right conferred long after the coming into force of the Constitution. It cannot be considered as an essential ingredient of Article 21 of the Constitution. And its non-application to a certain special category of offences cannot be considered as violative of Article 21. (emphasis supplied)

72. We are conscious of the fact that the legislative intent behind the introduction of Section 438 CrPC is to safeguard the individual's personal liberty and to protect him from the possibility of being humiliated and from being subjected to unnecessary police custody. However, the court must also keep in view that a criminal offence is not just an offence against an individual, rather the larger societal interest is at stake. Therefore, a delicate balance is required to be established between the two rights—safeguarding the personal liberty of an individual and the societal interest. It cannot be said that refusal to grant anticipatory bail would amount to denial of the rights conferred upon the appellant under Article 21 of the Constitution of India.

73. to 76.....

77. After referring to **Siddharam Satlingappa Mhetre [Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514]** and other judgments and observing that

anticipatory bail can be granted only in exceptional circumstances, in [Jai Prakash Singh v. State of Bihar, (2012) 4 SCC 379: (2012) 2 SCC (Cri) 468], the Supreme Court held as under: (SCC p. 386, para 19)

“19. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the court is prima facie of the view that the applicant has falsely been enroled in the crime and would not misuse his liberty. (See [D.K. Ganesh Babu v. P.T. Manokaran (2007) 4 SCC 434: (2007) 2 SCC (Cri) 345], [State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain (2008) 1 SCC 213: (2008) 1 SCC (Cri) 176] and [Union of India v. Padam Narain Aggarwal, (2008) 13 SCC 305: (2009) 1 SCC (Cri) 1].)”

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.”

8. *Reverting back to the case in hand, facts leading to the lodging of the FIR have already been noticed in para 2 of this order. From the documents it can also be inferred that prior to the lodging of FIR allegations levelled by the complainant in the complaint were inquired into by the police officials, who found substance therein. Argument raised by the counsel for the petitioner that on account of some lapse/mistake on the part of the complainant himself, he was deported back has also not found favour with the Court for the reason that it has not been elaborated upon as to what was the folly committed on the part of the complainant. Further it remains unexplained as to why Rs.5,20,000/- were taken by the petitioner for getting the tourist visa issued to the complainant. Another plea taken by the petitioner that complainant had himself executed an undertaking in writing mentioning therein that he himself would be responsible if he is deported back to India seems to be well thought plan of petitioner to wriggle out of the embarrassing position in which he is now placed. In view of the discussion made hereinabove, the Court is of the opinion that custodial interrogation of the petitioner is needed to find out as to who are all involved in this racket where innocent persons are duped of their hard earned money by giving them false assurances of sending abroad, how many people are involved in this racket as also to recover the money of the complainant.*

9. *Resultantly, petitioner has not been able to make out a case of exceptional depravity/hardship in his favour, entitling him for the grant of this extraordinary relief of pre-arrest bail.*

10. *The petition being devoid of merit, is hereby dismissed.”*

It is settled that second petition for grant of anticipatory bail is maintainable, provided there is some change of circumstance. Insofar as the present case is concerned, admittedly, the first petition was dismissed on merits. However, subsequently, as per learned counsel, parties have amicably settled the dispute on account of intervention made by respectables of the area, vide compromise deed dated 17.01.2026. Allegations against petitioner were that after taking money from complainant on the pretext of sending him abroad, he (P) did not abide by his assurances/words/promises. Thus, complainant was duped of his hard earned money.

A perusal of the compromise deed dated 17.01.2026 (Annexure P-4) has been looked into, it has been mentioned therein that out of the agreed amount of Rs.3,25,000/-, Rs.2 lakhs already stand transferred in the account of complainant, copy of statement of account is appended along with petition as Annexure P-5. Post dated cheque of Rs.1,25,000/- has also been handed over to the complainant, which shall be encashed only after the quashing petition filed on the strength of compromise, is decided.

Notice of motion.

Mr. Kamalpreet Bawa, DAG, Punjab, accepts notice on behalf of respondent No.1-State and prays for time to file status report in the matter.

Mr. Ritesh K. Sharma, Advocate has filed power of attorney on behalf of respondent No.2, which is taken on record. He admits the factum of compromise.

Adjourned to 16.03.2026.

In the meanwhile, the petitioner is hereby directed to join investigation within seven days from today and co-operate in the same. In the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 482(2) BNSS.”

4. Keeping in view the fact that petitioner has joined the

investigation, interim bail granted vide order dated 16.02.2026 is hereby confirmed, subject to conditions as envisaged under Section 482(2) BNSS. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

- 5. The petition stands allowed.
- 6. Pending application, if any, also stands disposed of.

16.03.2026
Parveen kumar

(AARADHNA SAWHNEY)
JUDGE

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