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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-8387-2026

Jagsir Singh

....Petitioner

versus

State of Haryana

....Respondent

Date of Decision: March 16, 2026
Date of Uploading: March 16, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Jaishree Kaushik, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

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SUMEET GOEL, J. (Oral)

Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner, in case bearing FIR No.13 dated 17.01.2026, registered for the offences punishable under Sections 406, 420 and 120-B of the Indian Penal Code, 1860 (for short 'IPC'), at Police Station Barara, District Ambala.

2. The gravamen of the allegations against the petitioner is that he cheated the complainant of a sum of ₹11,00,000/-, which was paid to the petitioner and his co-accused, namely Mehakpreet Singh, on the pretext of sending the complainant to the U.K. However, the complainant was neither sent to the U.K. nor was the amount returned to him. Subsequently, upon the complainant approaching the police by filing his complaint, the petitioner (herein) and his co-accused appeared before the police, where a

compromise was arrived at between the parties. As per the terms of the compromise, the accused persons agreed to pay a sum of ₹7,30,000/- to the complainant. However, till date, only an amount of ₹3,80,000/- has been paid. Thus, the petitioner and his co-accused failed to send the complainant abroad and also did not honour the terms of the compromise by returning the agreed amount to the complainant.

3. Learned counsel for the petitioner has contended that a bare perusal of the FIR itself reveals that the allegations levelled against the petitioner are concocted, improbable and devoid of merit. It is further submitted that the petitioner has been falsely implicated in the present case, as the allegations in the FIR were primarily levelled against the co-accused, namely Mehakpreet Singh and one of his associates. Learned counsel further submits that the petitioner has no role to play in the alleged occurrence, as no amount was ever paid to him by the complainant. It is also contended that the petitioner is a property dealer by profession and is not engaged in the business of a travel agent. He further contends that since the petitioner did not receive any amount from the complainant, the question of entering into any compromise does not arise.

3.1. Learned counsel asserts that the custodial interrogation should not be used as a punitive measure and is justified only when absolutely necessary for the recovery of material evidence. Learned counsel has argued that nothing is to be recovered from the petitioner. Furthermore, the petitioner is ready to join the investigation and hence no useful purpose would be served by sending him behind the bars. On the aforesaid submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel while raising arguments in tandem with the status report dated 02.03.2026 filed by way of affidavit of

DSP, Barara, Ambala has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. Relevant part of the said status report reads thus:

> *"That it is submitted that despite the investigating agency's best efforts, none of the accused(s) has/have joined the investigation. During the investigation, it was also revealed that the complainant had previously filed Complaint No. 279-Peshee dated 13.05.2025, stating that Mehakpreet Singh and Jagseer Singh (accused-petitioner) had taken ₹10,000,00/-from the complainant, Pratap Singh, at his friend Harpreet Singh's residence in Ambala, and had promised to send him to the UK and find him a job within a month. Mehakpreet Singh and Jagsir Singh then displayed a passport and visa found in their car, promising to complete the job within the stipulated time, and presented a written page and a photocopy of the accused's promise to receive ₹1,00,000 (one lakh rupees) in cash, which the police has taken into possession through a recovery memo. It is submitted that as per the investigation so far and the documents presented have revealed that accused Mehakpreet Singh and accused-petitioner Jagsir Singh had taken Rs.11,10,000/- from complainant Pratap Singh on the pretext of sending him abroad, of which Rs. 5,30,000/- is still outstanding. Thus, accused Mehakpreet Singh and Jagsir Singh defrauded the complainant by taking a copy of his Aadhaar card, a copy of his PAN card, a passport-sized photo, a passport-sized photocopy, and the aforementioned amount in the name of sending him abroad. To recover the remaining amount defrauded from the accused, the passport-sized photos, and the names of their accomplices involved in this scam, who are defrauding innocent people under the pretext of sending them abroad, and for further thorough investigation, police custodial interrogation is required in this matter."*

Learned State counsel has, accordingly, asserted that the petitioner is stated to be one of the associates of the accused Mehakpreet Singh, who has been specifically named in the FIR. The complainant had paid huge amount of Rs.11,00,000/- lakhs to the petitioner and his co-accused in order to send him to U.K., but the petitioner and his co-accused, instead cheated the complainant. According to learned State counsel, the offence committed by the petitioner caused substantial financial and emotional distress to the victim. Considering the seriousness of the allegations, custodial interrogation of the petitioner maybe necessary to unearth the broader conspiracy, identify co-accused and recover the ill-gotten money. Given the severity of the offence, there exists a substantial likelihood that the petitioner may abscond or tamper with the evidence, if he is enlarged on bail. On the strength of these submissions, dismissal of the petition in hand is entreated for.

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

6. As per the case put forth in the FIR in question, the allegations against the petitioner are grave and specific. The petitioner is specifically named in the FIR and there are direct/specific allegations regarding defrauding the complainant to the tune of Rs.11,00,000/- lakhs on the pretext of sending the complainant to U.K, but neither the petitioner and his co-accused honored their promise nor had returned the money in question. As per the status report filed by the respondent-State, a compromise has been arrived at between the accused and the complainant, which *prima facie* reflects the involvement of the petitioner in the offence in question.

6.1. The offence in question does not merely involve financial deceit but strikes at the very fabric of social trust, involving elements of human trafficking and cross-border immigration fraud, which are not only grave in nature but also have far-reaching consequences on public order. Cases of this nature, where vulnerable individuals are lured with false promises of lawful migration and are subsequently subjected to exploitation, fall within the ambit of organized human trafficking and merit strict judicial scrutiny and deterrence. Human trafficking under the garb of immigration consultancy is a growing menace which preys upon the desperation and dreams of unsuspecting citizens. The Courts must remain vigilant and ensure that such rackets are not emboldened by leniency at the pre-trial stage. The fraudulent inducement for illegal migration, followed by subjecting individuals to inhumane and life-threatening conditions abroad, not only reflects criminal intent but also constitutes a serious affront to human dignity and national interest. The Court cannot overlook the broader public interest involved in cases of immigration fraud, especially when they border on transnational human trafficking. Such offences necessitate a strong and principled judicial response to prevent their recurrence.

6.2. Such offences strike at the core of public trust and reflect a disturbing trend prevalent in this region, where unscrupulous individuals posing as travel facilitators exploit the aspirations of innocent citizens seeking opportunities abroad. These fraudulent activities not only cause severe financial and emotional distress but also undermine the integrity of lawful immigration systems. Therefore, individuals involved in such organized deceit must be dealt with firmly and in accordance with the law, leaving no room for leniency.

6.3. Furthermore, the investigating agency has sought the custodial interrogation of the petitioner for effective recovery, verification of facts, and to establish the broader conspiracy, if any, behind the occurrence. 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. It goes without saying that in the instant case, the complainant has categorically stated that the petitioner had defrauded the complainant of a substantial amount under the false pretext of facilitating his legal migration to U.K., which caused severe financial and emotional distress.

7. 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. It is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression. 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 [State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039]***, the 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 a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.*"

8. In view of the seriousness of the allegations, this Court finds no compelling ground to extend the benefit of discretionary relief to the petitioner. Moreover, custodial interrogation of the petitioner is necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby **dismissed**.

9. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

March 16, 2026
Naveen

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No