2026:PHHC:041482

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-9533-2026

Harish Walia

....Petitioner

versus

State of Haryana and another

....Respondent

Date of Decision: March 17, 2026
Date of Uploading: March 17, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Rajvinder Kaur Sohal, Advocate for the petitioner(s).

Ms. Mahima Yashpal Singla, Senior DAG, 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.243 dated 05.09.2025, registered for the offences punishable under Sections 420 and 406 of the Indian Penal Code, 1860 (for short 'IPC') (Sections 467, 468 & 471 of IPC added later on), at Police Station Mullana, District Ambala.

2. The gravamen of the allegations against the petitioner is that he, along with his co-accused, cheated the complainant of a sum of ₹11,25,000/- which was allegedly taken on the pretext of sending the complainant to the USA. However, neither was the complainant sent to the USA nor was the entire amount returned to him. The complainant has further alleged that upon repeated requests made by the him, an amount of ₹2,00,000/- was

subsequently returned, but no further payment was made thereafter. Thus, according to the allegations, the petitioner and his co-accused failed to fulfill their promise of sending the complainant abroad and also failed to refund the remaining amount.

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, on account of some business transactions. It is further contended the parties have amicably settled the dispute. 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. Learned counsel for the petitioner has further contended that the co-accused of the petitioner namely Rajesh Kumar @ Rana and Sunil @ Sunil Dutt have already been granted the concession of regular bail by the learned Sessions Court concerned and, therefore, the petitioner is also entitled to the concession of anticipatory bail on the ground of parity.

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 24.02.2026 filed by way of affidavit of Assistant Superintendent of Police, 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:

> *"7. That Specific Role of the Petitioner Harish Walia:-*
> *i. The petitioner was personally known to the complainant and initiated the inducement.*
> *ii. He repeatedly lured the complainant by assuring that he had successfully sent many persons abroad.*
> *iii. He took the complainant to his shop and connected him telephonically with co-accused Sunil Dutt to build trust.*
> *iv. He received the complainant's original passport, documents and Rs. 1,00,000/- in cash.*
> *v. He sent a forged Guatemala visa to the complainant through WhatsApp from his mobile number 8059916700.*
> *vi. He directed the complainant to deposit money in the bank account of co-accused Sunil Dutt and later demanded additional amounts.*
> *vii. He was instrumental in directing payment of $2500 in Laos to an associate for arranging further travel.*
> *viii. After the complainant returned to India, the petitioner refused to return the amount and threatened him with dire consequences if he approached police.*
> *Thus, the petitioner is the main link who induced the complainant, received initial payment and documents, and actively participated in the conspiracy."*

Learned State counsel has, accordingly, asserted that the petitioner has been specifically named in the FIR. The complainant had paid an amount of Rs.1,00,000/- lakh and has handed over his passport to the petitioner and his co-accused in order to send him to USA, 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.

4.1. As per the compliance report filed by the concerned SHO, respondent No.2 has been informed about the pendency of the present petition. None has appeared on behalf of respondent No.2.

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.11,25,000/- lakhs on the pretext of sending the complainant to USA, but neither the petitioner and his co-accused honored their promise nor had returned the money in question. Only an amount of Rs.2 lakhs has been returned to the complainant. The argument raised by learned counsel for the petitioner seeking bail on the ground of parity does not merit acceptance. The relief of anticipatory bail stands on a different footing than that of regular bail and cannot be claimed as a matter of right merely because the co-accused have been granted regular bail. Furthermore, the role attributed to the petitioner and the stage of the investigation are required to be considered independently.

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 USA, 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 17, 2026
Naveen

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No