

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRM-M-10462-2026*****Date of decision: 09.03.2026***

Siman Sahota

*.....Petitioner**Versus*

State of Haryana

*.....Respondent***CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY**

Present: Mr. Parminder Singh, Advocate for the petitioner.

Ms. Shweta Nahata, DAG, Haryana.

Mr. Vishal Jassal, Advocate for the complainant.

AARADHNA SAWHNEY, J (ORAL)

1. Petitioner, who is accused in case FIR No.760 dated 13.12.2025 registered against him, for commission of offences punishable under Sections 316(2),318(4),61(2) of BNS at Police Station Ghraunda, District Karnal, has filed the instant petition, praying for grant of pre-arrest bail.

2. Facts as taken from para 1 of the status report filed by way of an affidavit of Manoj Kumar, H.P.S, DSP, Gharaunda (Karnal) on behalf of respondent-State are reproduced hereinbelow:

“(a) "My brother Randhir Pal talked to his friend Aavesh about going abroad, he gave mobile No. of agent Simon Sahota, which Aavesh had taken from Instagram. My brother talked to this agent and he made an appointment to meet us at Hotel Break Point and he finalized the matter of sending Canada on transit visa for Rs. 25,00,000, which he said would be valid for 48 hours and he said that he would take Rs. 5,00,000 when



he takes us to Delhi airport. He would collect the remaining Rs. 20,00,000/- from my brother Vijay after I land at Montreal airport.

(b) That he took us from Gharuanda to Delhi airport on 13-08-2024 and after that when the matter could not be finalized, he dropped us back at Gharaunda on 14-08-2025.

(c) After this, due to the death of my uncle's son, we delayed from going abroad. After this, he called us again to Zirakpur on 24-08-2024 with Rs. 25,00,000. But nothing worked out and we returned.

(d) After this, on 26-08-2024, he came to our house with Aavesh and said that you give me Rs. 4,50,000/- and I will get your flight from Amritsar Airport. On which my brother Vijay Pal gave Rs. 3,60,000 in cash and Rs. 50,000 through UPI No. 70-424136596033, Rs. 38,000/- through UPI 460705893578, Rs. 2,000 through UPI No. 00-424104702252 and he told me that you should reach Amritsar Airport before 12 midnight on 27-08-2024, I will whatsapp the ticket to you.

(e) After that we left for Amritsar, he sent me a ticket on whatsapp and said that you wait at the main gate of the airport, my man will come and get you entry inside, flight time was at 3:35 AM. At that time none of his men came and neither did any call come nor did he pick up our call.

(f) After which we came back from Amritsar to his office in Zirakpur, he met us and said that the man who had to get your entry inside, that person's duty was changed. Due to which I could not send you, now that person will resume duty after 15 days then I will send you. Then I told him that I don't want to go abroad, now return my money. On which he told me that I have already booked the ticket with that money. You give me some time and I will return the money. But now he is not giving back our money and does not pick our calls.”

After the complaint was inquired into by the Economic Offences Wing, Karnal, they found substance in the allegations levelled and recommended initiation of criminal proceedings. That is how the present FIR came to be registered.

In nutshell, the allegations against the petitioner is that he duped complainant of Rs.4,50,000/-i.e Rs.3,60,000/- in cash and Rs.90,000/- through UPI, on the ground that he (P) would be able to send his (c's) brother abroad,



knowing fully well that he (p) was not legally authorized to send the victim abroad.

Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail before the learned Additional Session Judge Karnal. The same came to be dismissed vide order dated 10.02.2026. Aggrieved of which, the present petition has been filed.

3. Learned counsel for the petitioner contends that the petitioner, a property dealer by profession, who is also engaged in the business of exchange of currency, has been falsely implicated in the present case. Allegations levelled in the complaint were inquired into by the police officials of Police Station Amritsar City, who did not find any substance in the allegations levelled. However, by misleading the facts, the complainant got lodged the present FIR in Police Station Gharaunda (Karnal) by alleging that he had met the petitioner at a small hotel in Gharaunda. In fact, petitioner never visited Gharaunda, what to talk of meeting complainant at the hotel referred to by him (c) in the complaint. Continuing further, learned counsel contends that the petitioner never received Rs.4,50,000/- from the complainant. Only Rs.90,000/- was received through UPI and in lieu of the said money, 12 \$ have already been paid to complainant and his brother. Thus, in the factual backdrop of the case, custodial interrogation of the petitioner is not needed, for nothing is to be recovered from him, but nonetheless, being a law-abiding citizen, petitioner is willing to join the investigation as and when called for. Prayer for allowing the petition has been made.

Mr. Vishal Jassal, Advocate has appeared for the complainant and filed power of attorney.

Status report by way of affidavit has also been filed.

4. *Per contra*, while opposing the request for grant of bail, both learned

State counsel as also learned counsel for the complainant vehemently contend that



the petitioner promised complainant to send his brother to Canada for the said purpose, took Rs.4,50,000/-, but failed to abide by his words. Copies of the extracts of 'Whatsapp' conversation between the petitioner and the complainant have also been placed on record in support of the submission that the petitioner was actively involved in the incident and had issued false promises knowing fully well that he would not be able to send the brother of the complainant abroad. Copy of the statement of account of the complainant appended along with Status report as Annexure R2 has also been referred to by learned State counsel in support of his contention that sum of Rs. 4,50,000/- was withdrawn from the Bank. Both the learned counsel contend that e-ticket was also sent by the petitioner, which was found to be fake. When complainant and his brother came back from Amritsar and confronted petitioner at Zirakpur, they were assured that the boy would be sent abroad shortly. After 15 days, when complainant contacted petitioner and told him that his brother does not wish to go abroad and requested for return of money, some time was sought, but later petitioner stopped attending to their calls, neither returned the money. In the light of the role played by the petitioner, it is thus clear that a calculated fraud has been played upon complainant by falsely assuring him that his brother would be sent to Canada, Rs. Rs.4,50,000 was taken by petitioner, but he did not abide by his promises. Learned State counsel contends that in the light of facts brought on record, custodial interrogation of the petitioner is needed to recover the money of complainant. Thus, prayer for dismissal of the petition has been prayed for.

5. I have heard learned counsel for the parties and perused the documents available on record.

6. Before expressing any opinion on the merits of the rival contentions raised by learned counsel for the petitioner, learned counsel for the complainant



judgments of Hon'ble 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, ((2020) 13 SCC 791)**, has observed as under:-

“67. 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 Cr.P.C 1973 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 applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy.”

In **Prasanta Kumar Sarkars case (supra) (Prasanta Kumar Sarkar Vs. Ashish Chatterjee and another)**, a Division Bench of this Court had highlighted the factors that ought to be borne in mind while considering the anticipatory bail application and had stated that :-

9. We are of the opinion that the impugned order is clearly unsustainable. It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:

(i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;



- (ii) nature and gravity of the accusation;*
- (iii) severity of the punishment in the event of conviction;*
- (iv) danger of the accused absconding or fleeing, if released on bail;*
- (v) character, behaviour, means, position and standing of the accused;*
- (vi) likelihood of the offence being repeated;*
- (vii) reasonable apprehension of the witnesses being influenced; and*
- (viii) danger, of course, of justice being thwarted by grant of bail.”*

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.”

7. Facts leading to registration of the case have already been noticed in para 2 of the order. Petitioner has been named in the FIR. Complainant has specifically alleged that petitioner had assured him (C) to send his brother to Canada and in lieu thereof Rs.4,50,000/- were given to him. Copy of statement of account of the complainant appended as Annexure R2 corroborates his this stand. Extracts of WhatsApp conversation between the complainant and the petitioner also indicate that the petitioner had been assuring the complainant to send his brother abroad, had booked air ticket for him, which was later found to be fake. Further despite having assured complainant to return the money, petitioner even stopped attending to his (c) calls. Considering the discussion made hereinabove, this Court is of the opinion that custodial interrogation of the petitioner is required to recover the money which he had taken from complainant, to find out who all are involved in this racket, what is their *modus operandi*, how many innocent unsuspecting persons have been made their preys. As the investigation is at the preliminary stage, the same shall be hampered and impeded in case the accused is released on anticipatory bail.



Agreeing with the submissions made by learned State counsel, this Court is of the opinion that the petitioner has failed to make out a case of exceptional depravity/hardship in his favour entitling him the grant of this extraordinary relief of pre-arrest bail.

Dismissal of the anticipatory bail application shall not be construed to mean that the prosecution/Investigating Officer can dispense with requirement of Section 41-A Cr.P.C (Section 35 of BNS) as also the ratio of judgment of Hon'ble Supreme Court reported as **Arnesh Kumar Vs. State of Bihar and Anr (2014) 8 SCR 128** and proceed with the arbitrary arrest.

Dismissed.

09.03.2026
manoj

(AARADHNA SAWHNEY)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No