

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

2026/PHHC/037563



120

CRM-M-13115-2026 (O&M)

Racchpal Singh

.....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

Decided on :11.03.2026

Date of uploading: 11.03.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. R.P. Dhir, Advocate for the petitioner
(Through V.C.).

Mr. Hemant Aggarwal, DAG, Punjab

SUMEET GOEL, J. (Oral)

1. 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 FIRNo.165 dated 01.12.2025, registered for the offences punishable under Sections 316(2), 318(4) of BNS 2023, at Police Station Bhulalowal, District Hoshiarpur.

2. The gravamen of the FIR reflects that the complainant, Balbir Singh, in his complaint has alleged that the petitioner and other accused persons namely Rupinder Singh duped the complainant for a sum of Rs.7,00,000/-, on the pretext of sending his son abroad. It is alleged that despite receiving the said amount, the accused failed to complete their commitment and also did not return the money, thereby committing the alleged offence. Upon these set of allegations, the instant FIR was registered

against the accused persons.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the FIR in question. He has further contended that the instant FIR has been registered without conducting proper inquiry. Learned counsel asserts that in the instant case, the FIR fails to include material facts, which further raised questions about its credibility and fairness. Moreover, the custodial interrogation should not be used as a punitive measure and is justified only when absolutely necessary for the recovery of material evidence. Furthermore, the petitioner is ready to join the investigation and hence no useful purpose would be served by sending him behind the bars. It is lastly submitted by the learned counsel that the present petition be allowed and the petitioner be granted the concession of the anticipatory bail.

4. *Conversely*, learned State counsel has vehemently opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. According to learned State counsel, allegations levelled against the petitioner are of a grave and serious nature, involving a well-orchestrated fraud amounting to Rs.7,00,000/- wherein the complainant was deceived under the false pretext of sending his son abroad. It was further contended that the magnitude of the offence reflects not only a blatant abuse of trust but also a calculated exploitation of the vulnerability and aspirations of the complainant. According to learned State counsel, the offence committed by the petitioner caused substantial financial and emotional distress to the complainant and her family. Considering the seriousness of the allegations, the custodial interrogation of the petitioner may be necessary to unearth the broader conspiracy and recover the ill-gotten money. Granting bail at this stage may set a wrong

precedent in cases involving human trafficking and immigration fraud. Furthermore, in case the petitioner is granted the concession of pre-arrest bail, at this stage, it may impede the ongoing investigation and obstruct the recovery and potentially lead to tampering with evidence or influencing of witnesses. Accordingly, a prayer has been made for the dismissal of the instant petition in order to facilitate effective investigation into the alleged offence.

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

6. A perusal of the FIR reveals that the allegations levelled against the petitioner are grave and serious in nature. It is alleged that the petitioner defrauded the complainant of a substantial amount on the false pretext of sending his son abroad. The FIR came to be registered against the petitioner and his co-accused after due inquiry was conducted by the DSP on the complaint submitted by the complainant to the SSP, Hoshiarpur. As per the allegations, the petitioner initially induced the complainant by assuring him that he would send his son abroad. Thereafter, in connivance with his co-accused, the petitioner allegedly fraudulently received an amount of Rs.7 lakhs from the complainant. 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.

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 *may* 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 along with co-accused had defrauded him of a substantial amount under the false pretext of sending his son to abroad 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 interest(s). 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 gravity of the allegations and nature of offence, since the necessity of custodial interrogation would arise for a fair and thorough investigation, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual matrix of the case in hand. 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 11, 2026
Naveen

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