



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

115

**CRM-M-13745-2026
Date of decision: 13.03.2026**

MANINDER SINGH

.....PETITIONER

Versus

STATE OF PUNJAB AND ANOTHER

..... RESPONDENTS

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Sunil Agnihotri, Advocate
for the petitioner.

Mr. Eklavya Darshi, Deputy Advocate General, Punjab.

SURYA PARTAP SINGH, J.

1. This petition seeking for cancellation of bail has been filed by the petitioner/complainant, hereinafter being referred to as petitioner only, on the ground that the respondent No.2 has obtained the bail order by making false representation before the Court of learned Sessions Judge, Hoshiarpur.

2. In nut-shell the facts emerging from record are that the FIR of this case came into being at the instance of Maninder Singh (petitioner herein). The pith and substance of the above-mentioned FIR is that while paying obeisance at Gurudwara Shri Kesgarh Sahib, Delhi, he came in contact of Kulwinder Singh (respondent No.2 herein) and his wife Rajni Bala, who introduced themselves to be immigration agents. According to petitioner, the above-named



two persons, hereinafter being referred to as accused only, told the petitioner that they could send the petitioner to USA. According to petitioner, as he wanted to settle abroad, he agreed to pay a sum of Rs.35,00,000/- to the above-named accused, and that he paid the said amount to the accused, but despite receiving the money neither the papers with regard to immigration of petitioner to USA were arranged by the accused nor the money has been returned. While claiming that he had been duped by the accused, the petitioner sought for legal action against the accused.

3. It is the case of the prosecution that in response to above-mentioned allegations formal FIR, in this case, was lodged and the investigation taken up.

4. Notice of motion.

5. Since advance notice has already been served upon the State, Mr. Mr. Eklavya Darshi, Deputy Advocate General, Punjab., accepts notice on behalf of respondent-State. Hence, the service of notice upon the State is hereby dispensed with.

6. Heard.

7. It has been contended by learned counsel for the petitioner that with regard to above-mentioned dispute between the parties a settlement had been arrived at between the petitioner and the respondent No.2, and for that purpose the respondent No.2 had issued cheques amounting to Rs.32,00,000/- in favour of the petitioner but the above-mentioned cheques, when presented before the banker of accused, have been dishonoured. As per learned counsel for the petitioner despite settlement, the respondent No.2 has not paid money to the petitioner/complainant, but before the learned Sessions Court, it was



projected by learned counsel for the respondent No.2/accused that the matter had been settled between the parties for a sum of Rs.12,00,000/- and that out of above-said amount a sum of Rs.9,60,000/- had already been paid. While claiming that the false facts were projected before the learned trial Court, which ultimately convinced the learned Session's Court, it has been contended by learned counsel for the petitioner that the foundation of above-mentioned order being the false averments, the above-mentioned order deserves to be set aside.

8. The record has been perused carefully.

9. A careful perusal of record shows that, as per the contentions raised by learned counsel for the petitioner itself the dispute between the parties relates to the payment of money. As claimed by learned counsel for the petitioner himself, the dispute was settled between the parties for a sum of Rs.32,00,000/- and the respondent No.2 had issued cheques for amounting Rs.32,00,000/- in favour of petitioner, which has been dishonoured. The learned counsel for the petitioner has also conceded that, with regard to dishonour of above-mentioned cheques proceedings under Section 138 of Negotiable Instruments Act have already been initiated. The above-mentioned facts pertaining to instant case shows that, apparently the dispute between the parties is of civil nature and by giving a colour to the above-mentioned dispute, the present FIR has been filed.

10. In addition to above, it is also relevant to note that the contents of the FIR shows that the offence is triable by the Court of Judicial Magistrate and the maximum punishment prescribed for the offence is imprisonment up to seven years. Besides that nothing has been left to be recovered from the



possession of respondent No.2 and on the day when the respondent No.2 was released on bail, he had already served imprisonment for a period of more than 24 days.

11. Taking into consideration the above-mentioned facts and circumstances, it is hereby held that the respondent No.2 was entitled for the benefit of bail irrespective of the fact whether any money was paid by him or not or the claim with regard to payment of money was not true. Thus, taking into consideration the totality of all the circumstances in my considered opinion even on merits, the respondent No.2 was entitled for the bail.

12. In the present case it is also relevant to note that the learned Court of Sessions in the exercise of its jurisdiction has accorded the benefit of bail to the respondent and apparently the above-said relief, given by learned Session’s, Court is neither perverse nor beyond jurisdiction. With regard to such situation the law prescribes that the higher Court should not interfere in the order of lower Court.

13. Thus, it is hereby held that in the present case there is no scope for indulgence or interference in the discretion exercised by the learned trial Court of Session’s when it passed the order dated 23.12.2025.

14. In view of above, it is hereby observed that the present petition is devoid of merits and deserves dismissal. Hence, the same is hereby **dismissed**, accordingly

(SURYA PARTAP SINGH)
JUDGE

13.03.2026;
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No