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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-14454-2026**

Guneet Bajaj @ Guneet Chawla

....Petitioner

versus

State of Punjab

....Respondent

Date of Decision: March 16, 2026**Date of Uploading: March 16, 2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:** Mr. Ribhav Singla, Advocate for the petitioner.

Mr. Hemant Aggarwal, DAG, Punjab.

Mr. Prateek Pandit, Advocate for the complainant.

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.162 dated 04.07.2025, registered for the offences punishable under Sections 420 and 406 of the Indian Penal Code, 1860 (for short 'IPC'), at Police Station Sultanpur Lodhi, District Kapurthala.

2. The gravamen of allegation against the petitioner is that the petitioner had cheated the complainant to the tune of Rs.25 lakhs, which were paid to the petitioner and her husband namely Biri Chawla on the pretext of sending him to America. It has been alleged that when the petitioner demanded his money back from the petitioner and her husband but the amount was not returned to the complainant. Thus, the petitioner had

cheated the complainant by not sending him abroad and even the money in question had not been returned to the complainant.

3. Learned counsel for the petitioner has iterated that a bare perusal of the FIR itself shows that allegations leveled against the petitioner are concocted, improbable and devoid of any merit. Learned counsel has further iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that the petitioner has no role in the present FIR and she was just arrayed as an accused due to her. Learned counsel for the petitioner has further submitted that there is a delay of 11 months in the lodging of the FIR and no explanation has been furnished by the complainant for such delay. It is also argued that the petitioner has not received any amount from the complainant. It is further contended that the petitioner has been living separately from her husband since 2023 and has also filed a petition for divorce under Section 13-B of the Hindu Marriage Act seeking divorce from her husband, who has also been arrayed as an accused in the present case. Learned counsel further submits that it is on account of the acts of her husband that the petitioner has been named in multiple FIRs, and that she has no role whatsoever in the said cases.

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 assisted by learned counsel for the complainant has opposed the grant of anticipatory bail to the

petitioner by arguing that the offence committed by the petitioner is serious in nature. Learned State counsel has asserted that the petitioner has been specifically named in the FIR in question to the effect that the complainant had paid huge amount of Rs.25 lakhs to the petitioner and her husband in order to send him America, but the petitioner, instead, cheated the complainant, and neither the complainant was sent abroad nor was the amount returned to him. 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.25 lakhs on the pretext of sending the complainant to America, but neither the petitioner honored his promise nor had returned the money in question. From the pleadings, it is evident that the petitioner is involved in multiple FIRs pertaining to similar offences and therefore appears to be a habitual offender. The argument raised by learned counsel for the petitioner regarding an alleged delay of 11 months in the lodging of the FIR also does not merit acceptance in the

present case as the complaint was pending with the police authorities. Furthermore, the petitioner is stated to have filed a divorce petition under Section 13-B of the Hindu Marriage Act, which appears to be a tactic adopted to evade police action.

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 *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 had defrauded the complainant of a substantial amount under the false pretext of facilitating his legal migration to America, 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