



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

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CRM-M-20478-2026 (O&M)

Date of decision : 22.04.2026

Jagjit Singh @Jassi @Harry

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Ms. Rishma Verma, Advocate for the petitioner.
(joined through video conferencing)

Mr. Jasdev Singh Thind, DAG Punjab.

Mr. Gaurav Jain, Advocate for the complainant.

SURYA PARTAP SINGH, J.

This petition for bail is the first petition, filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No.113 dated 07.11.2025, for the commission of offence punishable under Sections 406, 420 of Indian Penal Code, and Section 13 of Punjab Travel Professionals (Regulation) Act, Police Station Sanaur, District Patiala.

2. The abovementioned FIR came into being at the instance of 'Ramdass @Rinku', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that his son, namely 'Ravinder Singh', was working in Italy, where his friend's son, namely 'Harjit Singh', also worked. According to complainant, both of them wanted to work in



USA, and therefore, he came in contact of 'Jassi @Harry' (the petitioner herein), who assured him that he would arrange visas for both the boys for USA, and demanded Rs.45 lacs. According to complainant, he agreed to pay the abovementioned amount to the petitioner.

3. The complainant further alleged that Rs.25 lacs, as demanded by the petitioner, was paid to him in advance and rest of the money was supposed to be paid on arrival of both the boys in Mexico. It has been claimed by the complainant that he paid Rs.25 lacs to the petitioner, and that the petitioner initially sent both the boys to Holland, where he demanded 1500 Euros, and thereafter both the boys were sent to 'Suriname', wherein they stayed in a hotel for one week, from where they were supposed to travel to 'Mexico', but the boys were sent to 'Jamaica', where they were detained by the officers and released only on charging of 2500 Dollars.

4. It was further alleged by the complainant that from 'Jamaica', the boys were sent back to 'Spain', where they were arrested and detained at the airport for 12 days, and then sent to 'Suriname'. According to complainant, when they tried to contact the petitioner, he refused to accept their calls and in such distressed condition, they contacted another agent and managed to send their children to USA. As per complainant, the petitioner has cheated them as he failed to fulfill his commitment, and has also refused to return the money.

5. **Notice of motion.**

6. Mr. Jasdev Singh Thind, DAG Punjab appears on behalf of respondent-State. Hence service of notice upon the State is hereby dispensed



with. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. No formal reply has been filed by the State. However, the learned State Counsel has orally opposed the present petition.

7. Power of Attorney on behalf of the complainant has been filed. The same be taken on record.

8. Heard.

9. It has been contended by learned counsel for the petitioner that a false case has been planted against the petitioner, who has clean antecedents. According to learned counsel for the petitioner, the story set-out by the complainant is a false story, and that the dispute between the parties is a dispute of civil nature, i.e. recovery of money. The learned counsel for the petitioner has also contended that the petitioner has already served sentence for a period of more than two months, and that the offence is triable by the Court of Judicial Magistrate, and that nothing has been left to be recovered from the possession of petitioner.

10. It has also been contended by learned counsel for the petitioner that as per FIR itself, the son of complainant has already gone to USA, and thus, the only dispute between the petitioner and the complainant is regarding the return of money. While claiming that the trial is not likely to be concluded in near future, the learned counsel for the petitioner has sought for the benefit of bail for the petitioner.



11. The learned State Counsel, being assisted by learned counsel for the complainant, has controverted the abovementioned arguments. It has been contended by learned counsel for the complainant that sequence of events narrated in the FIR in itself makes it abundantly clear that the intention of the petitioner right from the very beginning was to cheat the complainant, and that is why after the receipt of money, he neither fulfilled his commitment, nor returned the money. While claiming that the offence committed by the petitioner is serious in nature, the learned counsel for the complainant has requested for dismissal of present petition.

12. The record has been perused carefully.

13. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision: -

- i) that the petitioner is already in custody for a period of more than two months;
- ii) that the offence is triable by the Court of Judicial Magistrate;
- iii) that the dispute between the parties *prima facie* seems to be a dispute of civil nature, i.e. regarding recovery of money;
- iv) that the investigation in this case is already complete and therefore, nothing has been left to be recovered from the possession of petitioner;
- v) that the trial is not likely to be concluded in near future;
- vi) that the detention of the petitioner in judicial lockup is not likely to serve any purpose;



vii) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses; and

viii) that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate in the trial.

14. In the present case, the principles of law laid down by the Hon'ble Supreme Court of India in the case of "Dataram versus State of Uttar Pradesh and another", 2018(2) R.C.R. (Criminal) 131, are also relevant, wherein it has been observed that "a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying



bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

15. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil Vs. Central Bureau of Investigation and Another’, (2022) 10 SCC 51, are also relevant in this case. In the abovementioned case, it has been observed that “the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.

16. Recently, in the case of ‘Tapas Kumar Palit Vs. State of Chhattisgarh’, 2025 SCC Online SC 322, the Hon’ble Supreme Court of India has observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed”. It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides



many tools for the Judges to use in order to ensure that cases proceed efficiently”.

17. To elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon’ble Apex court in “Balwinder Singh versus State of Punjab and Another”, 2024 SCC Online SC 4354.

18. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

19. Accordingly, without commenting anything on the merits of the case, the present petition is hereby *allowed*. The petitioner is hereby ordered to be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However the abovementioned concession shall be subject to following conditions:-

- (i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority;
 - (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial;
- and



(iii) that the petitioner shall not leave India without prior permission of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

22.04.2026
Gaurav Thakur

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