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

CRM-M-24760-2025

Date of decision : 07.04.2026

Mohit @ Mohit Saini**.....Petitioner****versus****State of U.T. Chandigarh and others****..... Respondents****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Alok Mittal, Advocate
for the petitioner.

Mr. Ankur Bali, Addl. Public Prosecutor, U.T. Chandigarh.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner praying for grant of regular bail in case FIR No.41 dated 03.04.2024, under Sections 420, 406, 120-B of IPC and Section 24 of Immigration Act, registered at Police Station Sector-34, Chandigarh.

2. Succinctly, facts of the case are that the FIR in the present case was lodged on the statement of complainants-Mandeep Kumar and Kuldeep Singh. It was alleged that the complainant saw an advertisement of Serkan Migration for Australia work permit. On this, complainant-Kuldeep Singh, being interested applied for work permit in Australia through Serkan Migration and approached Mohit Kumar (present petitioner) and Karanvir for the same purpose. On the pretext of sending the complainant abroad, the accused persons demanded an amount of Rs.18 lacs out of which they paid Rs.77,000/- per person through UPI and Rs.7,23,000/- per person in cash, upon which, a proper visa was handed over to the complainants for Australian work permit. Thereafter, he came



to know that the said work permit was found to be fake and upon confrontation, the petitioner denied refund of the payment made and rather threatened the complainant with dire consequences and thus, request was made to take legal action against the accused. On registration of the FIR, investigation commenced. The petitioner was arrested on 07.08.2024. On completion of the investigation, challan was presented and on framing of the charges, trial commenced. The petitioner approached learned Additional Sessions Judge, Chandigarh praying for grant of bail. However, on hearing counsel for both the sides, the same was declined vide order dated 04.04.2025. Aggrieved by the same, petitioner is before this Court by way of filing the present petition filed praying for grant of bail.

3. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that the allegations are to the effect that there was a transaction of about Rs.28 lacs with the petitioner at the behest of the complainants but in the challan filed there are allegations only to the tune of Rs.77,000/- per person. He submits that there is no documentary evidence to prove the allegation regarding receipt of the money by the petitioner. He submits that the petitioner is behind bars since 07.08.2024. To buttress his arguments, he submits that there are 02 complainants in the present case and both of them have already left India and are not available for their examination. He submits that the custody of the petitioner is being prolonged only on the pretext of examination of the complainant. He submits that though the petitioner, while in custody, was falsely implicated in other cases, however, in majority of the cases he is on bail. He, thus submits that the petitioner deserves to be granted bail.



4. Per contra, learned State counsel has also opposed the submissions made by counsel for the petitioner and submits that the petitioner is a habitual offender and during investigation, his complicity is duly surfaced. He submits that the petitioner is involved in 08 other cases. However, he affirms before this Court that both the complainant have left the country and presently, they are not in India. He submits that efforts are being made for their examination through virtual mode. He, on instructions, has submitted that out of total 10 prosecution witnesses, only 01 witness has been examined so far.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested in the present case on 07.08.2024. Though there are allegations regarding transaction of about Rs.28 lacs, however, as contended before this Court the challan was presented only for Rs.77,000/- per person. Admittedly, the complainants are not present in the Court. The petitioner has suffered an incarceration of more than 1 ½ years. Out of total 10 prosecution witnesses, only 01 witness has been examined so far.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

7. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail to the petitioner. Accordingly, present petition is allowed and petitioner is ordered to be released on bail on his furnishing bail/surety



bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

9. In case the bail bonds are not furnished by the petitioner during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

07.04.2026

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(RAJESH BHARDWAJ)

JUDGE

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