

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

2026:PHHC:070963



120

CRM-M-24396-2026

Date of decision: 07.05.2026

Date of uploading: 07.05.2026

Lakhvir Singh Sidhu @ Lakhveer Singh Sidhu

...Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Vaibhav Sehgal, Advocate for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of BNSS 2023 for grant of regular bail to the petitioner in case bearing FIR No. 27 dated 03.03.2026 u/s 318(4) 316(2) and 61(2) of BNS, 2023, (Corresponding Sections are 420, 406, 120-B of IPC), registered at Police Station Sudhar, Police Commissionerate, Ludhiana.
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

"It is recorded that at present complaint No. 6616- dated 24-11-25 by Senior Superintendent of Police Ludhiana Rural U.I.D 707846 by Manvinder Singh son of Gurmeet Singh resident of Ladhaike Teh. Bagha Purana District Moga Mo: 78884-89558 against Lakhvir Singh Sidhu son of Gurdev Singh resident of

College Road near Singh Sabha Gurdwara Mullapur and Agent Reena Rani, wife of late Rakesh Kumar, daughter of Uma Shankar, resident of Abuwal, has been received by hand through SCT jagdev singh 428 police station. The petitioner is in jail. "Honorable SSP Sir, Ludhiana (Rural). Subject: Travel Agent Lakhvir Singh and Madam Reena Rani cheated me of Rs. 6,50,000/- on the pretext of sending me abroad through visa along with work permit to England and now openly threatening me. Sir, it is humbly requested that I am Manvinder Singh son of Gurmeet Singh resident of Ludhaike Teh: Bagha Purana District Moga and I am doing agricultural work. I Manvinder Singh was married to Kirandeep Kaur. We both have done good education. We wanted to go abroad. We met travel Agent Lakhvir Singh and Madam Reena Rani at their office Safe Consult Immigration Reform Tehsil: Raikot District Ludhiana. We were called to the office and told that we will get a visa and work permit for England within 2 months. We had given these money and papers on July 2024. The ticket cost including everything was told to be 30 lakh rupees. We both husband and wife talked to our families and as per the advice of these two agents, we brought these passports, marriage certificates, Aadhar card, PIN card, other education certificates and bank statements, photos etc. everything to the office. As per their advice, we paid Rs. 5,50,000/ on the spot. After that, as per their advice, Rs. 1,00,000/- was transferred to their account. While they had taken 3 blank cheques as a guarantee from me, they had added that the entire amount would be paid and the cheques would be returned once the visa and permit were cleared. After that, these liars kept harassing me for a long time I asked multiple times and went to their office but they kept on delaying on one pretext or another... Then I took important people with me and went to their office. They returned me Rs 1 lakh and told they will return remaining amount within 15 days. After that, they denied to return me my money and they openly say that no police can spoil anything. If you come to our office after today, they will break my legs. Madam Reena Rani said, she will falsely accuse me that I have tried to outrage her modesty and will get a case registered. They have ruined the future of both me and my wife. They have cheated me openly, So please take strictest action against the said travel

*agent Lakhvir Singh. Mobile No. 99156-28068, and Madam Reena Rani, Mobile No. 98556-98291, and return my money and documents to me. I will be very grateful to you. Date 24.11.2025
Yours faithfully, Sd/-Manwinder Singh.”*

3. Learned counsel appearing for the petitioner has submitted 3. that the petitioner is in custody since 03.03.2026. Learned counsel appearing for the petitioner has further argued that the FIR-complainant had initially alleged that the petitioner had received ₹1 lakh and later on has aggravated the amount to ₹6.5 lakhs. Learned counsel appearing for the petitioner has further submitted the petitioner has been falsely implicated into the FIR in question, as the petitioner was merely helping the FIR-complainant to pursue his dream to go abroad, but when the same did not fructify to the satisfaction of the complainant, the instant FIR was registered against the petitioner. Learned counsel appearing for the petitioner has further submitted that the trial emanating from the FIR in question is magisterial one. Thus, regular bail is prayed for.

4. Learned State counsel opposed the grant of bail to the petitioner by arguing that the allegations raised are serious in nature and, thus, the petitioner does not deserve the concession of regular bail. Learned State counsel seeks to place on record custody certificate dated 06.05.2026 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

5.1. At this juncture, it would be apposite to refer herein to a judgment of the Hon'ble Supreme Court titled as ***Gudikanti Narasimhulu***

and others vs. Public Prosecutor, High Court of Andhra Pradesh AIR

1978 SUPREME COURT 429, relevant whereof reads as under:

“10. The significance and sweep of Article 21 make the deprivation of liberty a matter of grave concern and permissible only when the law authorising it is reasonable, even-handed and geared to the goals of community good and State necessity spelt out in Article 19. Indeed, the considerations I have set out as criteria are germane to the constitutional proposition I have deduced. Reasonableness postulates intelligent care and predicates that deprivation of freedom- by refusal of bail is not for punitive purpose but for the bi-focal interests of justice-to the individual involved and society affected.

11. We must weigh the contrary factors to answer the test of reasonableness, subject to the need for securing the presence, of the bail applicant. It makes sense to assume that a man on bail has a better chance to prepare or present his case than one remanded in custody. And if public justice is to be promoted, mechanical detention should be close to ours, the function of bail is limited, 'community roots' of the, applicant are stressed and, after the Vera Foundation's Manhattan Bail Project, monetary suretyship is losing ground. The considerable public expense in keeping in custody where no danger of disappearance or disturbance can arise, is not a negligible consideration. Equally important is the deplorable condition, verging on. the inhuman, of our sub-jails, that the unrewarding cruelty and expensive custody of avoidable incarceration makes refusal of bail unreasonable and a Policy favouring release justly sensible.

12. A few other weighty factors deserve reference. All deprivation of liberty is validated by social defence and individual correction along an anti-criminal direction. Public justice is central to the whole scheme of bail law. Fleeing justice must be forbidden but punitive harshness should be minimised. Restorative devices to redeem the man, even, through community service, meditative drill, study classes or other resources should be innovated, and playing foul with public peace by tampering with evidence, intimidating witnesses or committing offence while on judicially sanctioned 'free enterprise,' should be provided against. No seeker of justice shall play confidence tricks on the court or community. Thus, conditions may be hung around bail orders, not to cripple but to protect. Such is the holistic jurisdiction and humanistic orientation

invoked by the judicial discretion correlated to the values of our constitution.”

5.2. Further, the Hon’ble Supreme Court in a judgment titled as ***Gurcharan Singh vs. State (UT of Delhi) 1978 (1) SCC 118***, has held as under:-

*“Where the granting of bail lies within the discretion of the **court**, the granting or denial is regulated, to a large extent, by the facts and circumstances of each particular case. Since the object of the detention or imprisonment of the accused is to secure his appearance and submission to the jurisdiction and the judgment of the **court**, the primary inquiry is whether a recognizance or bond would effect that end.”*

5.3. Furthermore, the Hon’ble Supreme Court in a judgment titled as ***Sanjay Chandra vs. CBI (2012) 1 SCC 40***, has held as under:

“21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.

22. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some un-convicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, “necessity” is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances.”

6. The petitioner was arrested on 03.03.2026 whereinafter investigation was carried out and challan was presented on 01.05.2026. Total 15 prosecution have been cited and it is the conceded position before this Court that none of the prosecution witnesses has been examined till date. It is not in dispute that conclusion of trial will take long time. It is also not in dispute before this Court that trial emanating from the FIR in question is a Magisterial one. The rival contentions of the learned counsel for the parties; as to the whether the petitioner has been falsely implicated into the FIR, shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage lest it may prejudice the rights of either of the parties. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence.

7. As per the custody certificate dated 06.05.2026 filed by the learned State counsel, the petitioner has suffered incarceration for 2 months & 1 day and is stated to be involved in other FIRs. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das v. State, 1998 (2) RCR (Criminal) 477*** & judgments of this

Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

Suffice to say, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

8. In view of above, the petition in hand is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

9. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the

State/complainant shall be at liberty to move cancellation of bail of the petitioner.

10. Ordered accordingly.
11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

May 07, 2026
Naveen

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