



CRM-M-25577-2026

-1-

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

CRM-M-25577-2026

Date of Decision: 12.05.2026

Sukhwinder Kumar

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rahul Garg, Advocate for
Mr. Naveen Batra, Advocate, for the petitioner.
Mr. Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.18 dated 12.03.2023, registered under Sections 406, 420 IPC and Section 24 of Emigration Act, 1983, at Police Station Gardhiwal, District Hoshiarpur.

2. Succinctly, the facts of the case are that the FIR in the present case was registered on the statement of the complainant, namely, Baldev Singh. It was alleged that his son Amrinder Singh Dhatt wanted to go abroad in a legal way and in this regard they came in contact with Sukhwinder Kumar (the petitioner) and Amritpal Singh, who posed themselves as registered travel agents. The said persons had assured them that they would send Amrinder Singh Dhatt on work permit to Canada and for this purpose, they would charge Rs. 25 lacs. Relying upon their assurance, the complainant, Baldev Singh transferred Rs. 2 lacs in the account of Sukhwinder Kumar on different dates. Thereafter, above said Sukhwinder Kumar and Amritpal Singh asked him and his son for medical examination, which was got conducted from Diagnostic Centre, near Bus Stand Jalandhar

on 2.5.2022. Thereafter, Sukhwinder Kumar and Amritpal Singh shown



them a Canadian visa on the passport of his son and they asked him to give the remaining amount of Rs. 23 lacs. It was further alleged that the complainant transferred a sum of Rs. 22 lacs vide different transactions in the account of above said persons. Thereafter, the said persons sent air ticket of Air Canada to him, however, on 14.6.2022, both the accused had informed the complainant that said ticket has been cancelled. On inquiry, he came to know that the visa shown by the above said persons on the passport of his son, is forged and fabricated sticker/document. Thereafter, accused issued two cheques of Rs. 12 lacs each, but the said cheques were dishonoured due to insufficient funds. It was, thus, alleged that till date, neither the above said persons sent his son abroad nor returned their money, as such, they have cheated him for a huge amount. Thus, request was made to take legal action against the accused persons. On the registration of the FIR, the investigation commenced. The petitioner was arrested on 11.07.2025. He approached the Court of learned Additional Sessions Judge, Hoshiarpur praying for the grant of bail. However, after hearing both the sides and finding no merit in the same, learned Court declined the bail application filed by both the petitioner vide order dated 13.10.2025. Being aggrieved, the petitioner earlier approached this Court praying for the grant of regular bail by way of filing CRM-M-31115-2023 and CRM-M-67290-2025, however the same were dismissed vide orders dated 16.11.2023 and 05.12.2025. Hence being aggrieved, the petitioner is again before this Court by way of filing the present third petition praying for the grant of regular bail.



3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He contends that the petitioner is 60% handicapped and has been roped in the present case on the basis of false and frivolous allegations. It is contended that the material witnesses already stand examined and there is no probability of the petitioner influencing the prosecution witnesses. He contends that the petitioner is behind the bars from the date of his arrest. He, thus, has submitted that in the overall facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned State counsel has vehemently controverted the submissions made by counsel for the petitioner. He submits that the petitioner though is handicapped, however, he is the main accused. There is transaction of Rs.9 lacs in his account. His complicity is *prima facie* proved during the investigation. On instructions, he has submitted that out of total 13 prosecution witnesses, 05 witnesses have been examined and 02 witnesses have been given up. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the allegations against the petitioner are regarding duping the complainant for a total amount of Rs.24 lacs. The petitioner was arrested on 11.07.2025. It has been contended before this Court that the petitioner is 60% handicapped and is languishing in jail from the last about 10 months. Out of total 13 prosecution witnesses, 05 witnesses, including the material witnesses, have been examined and 02 witnesses have been given up. The custody certificate would show that the petitioner has suffered incarceration



CRM-M-25577-2026

-4-

of 10 months as on 11.05.2026. It further shows that the petitioner is facing prosecution in three other FIRs, however, he is on bail in two cases.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. It is being clarified that in case the petitioner does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

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

(RAJESH BHARDWAJ)
JUDGE

12.05.2026

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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No