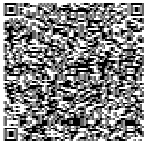


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2026:PHHC:079112



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CRM-M-26983-2026

Lakhvir Singh Sidhu alias Lakhveer Singh Sidhu
.....Petitioner
versus
State of Punjab
...Respondent

Date of decision: May 20, 2026
Date of Uploading: May 20, 2026

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Vaibhav Sehgal, Advocate and
Mr. Umesh, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

Mr. Chandan Singh Rana, Advocate for the complainant.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of the BNSS, 2023 seeking grant of regular bail to the petitioner, in case bearing FIR No.30 dated 04.03.2026, registered for the offences punishable under Sections 406 and 420 of the IPC, 1860 read with Section 24 of the Immigration Act, at Police Station Sudhar, Police Commissionerate Ludhiana.

2. The gravamen of the allegations in the FIR in question is that the petitioner, along with his partner, namely, Reena Rani, was engaged in the business of travel consultancy and operated an office under the name *Safe Consultant* at New Abadi, Akalgarh Palika Bazar. For the purpose of sending the complainant abroad, a deal was finalized for a total consideration of Rs. 45 lakhs. Out of the agreed amount, the accused persons jointly received Rs.35 lakhs from the complainant on different dates and through different modes, including Google

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Pay transfers and cheques, in their joint account. The remaining amount of Rs.10 lakhs was agreed to be paid upon successfully sending the complainant abroad. However, despite receiving the substantial amount of Rs.35 lakhs, the petitioner failed to send the complainant abroad as promised. When the complainant demanded the return of his money, a compromise was effected between the parties, pursuant to which the petitioner along with Reena Rani issued a cheque amounting to Rs.25 lakhs. However, upon presentation, the said cheque was dishonoured/bounced.

3. Learned senior counsel for the petitioner has argued that the petitioner was arrested on 04.03.2026. Learned senior counsel has submitted that the petitioner has been falsely implicated into the FIR in question as the FIR-complainant was not able to pursue his dream to go/ settle abroad to his satisfaction. Learned counsel has further submitted that a civil suit, between the rival parties, is already pending adjudication before the concerned civil court at Ludhiana. Learned counsel has urged that the challan, upon culmination of investigation, already stands filed. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus, the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 19.05.2026, in the Court today, which is taken on record.

4.1. Learned counsel for the complainant has vehemently opposed the grant of petition in hand by arguing that there are direct/ serious allegations against the petitioner. Learned counsel has submitted that money in question was deposited into the account of the petitioner and the same has not yet been returned. Learned counsel has further submitted that there was earlier an undertaking on behalf of the petitioner that he would return the amount in question, but he has

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failed to do so, which reflect his proclivity towards the crime in question. Learned counsel has further argued that the petitioner is a habitual offender. In case, the petitioner is released on regular bail, there is all the likelihood that the petitioner may flee from the process of justice as also interfere/ intimidate the prosecution witnesses. On the strength of these submissions, dismissal of the petition in hand is entreated for.

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

Before delving into the matter further, it would be germane to refer herein the case law governing the issue in hand:

5.1 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 04.03.2026, whereinafter, investigation was carried out and challan *qua* the petitioner stands presented on

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01.05.2026. Total 09 prosecution witnesses have been cited, out of which, none has been examined till date. It is not in dispute that the trial emanating from the FIR in question is magisterial one. The rival contention raised at Bar give rise to debatable issues, which shall essentially be ratiocinated upon 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 trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 19.05.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 02 months and 11 days.

6.2. Further, as per the said custody certificate, the petitioner is stated to be involved in other FIR(s). 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, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail, if not required in any other case, on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty

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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 cellphone 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/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. 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.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

May 20, 2026

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No