IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(250)

CRM-M-26865-2026 (O & M)
Date of decision: 29.05.2026

Paramjeet …... Petitioner

V/s 3

State of Haryana and ors. ...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Deepak, Advocate,
for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana.

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JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 of BNSS, 2023 (Section 438 Cr.P.C.) is for the grant of anticipatory bail to the petitioner in case FIR No.437 dated 17.12.2025 under Sections 406, 420, 467, 468 IPC (Sections 316(2), 318(4), 340(2), 340(1) BNS, 2023) and Section 24 of the Immigration Act registered at Police Station Barauda, District Sonipat.

2. The present FIR came to be registered at the instance of Ravi Shankar and Rahul. The same reads as under:-

TO COMMISSIONER OF POLICE SONEPAT Subject: Application for registration of an FIR against the accused persons namely: 1. Paramjeet Luhach s/o Sh. Kuldeep Luhach r/oNear Ration Depot, Village Badhana, Tehsil Alewa, Distt. Jind 126102. Mob. No. 9671800622 2. Kuldeep Luhach s/o Sh.

Dharam Sukh r/o Near Ration Depot, Village Badhana, Tehsil Alewa, Distt. Jind 126102. Mob. No. 9350406172 3. Sunita w/o Sh. Kuldeep Luhach r/o Near Ration Depot, Village Badhana, Tehsil Alewa, Distt. Jind 126102 4. Mohit Luhach s/o Sh. Kuldeep Luhach r/o Near Ration Depot, Village Badhana, Tehsil Alewa, Distt. Jind 126102. Mob. No. 9306066833 ...Accused Under Section 318(4),316(2), 314, 336(3), 61(2), 351of Bharatiya Nyaya Sanhita (formerly Under Section 420,406,403, 468, 120-B, 506of Indian Penal Code) and other relevant provisions of law for playing Fraud by Cheating, Criminal Breach of Trust, Misappropriation of Property, Forgery, Criminal Conspiracy with and against the Applicants/Complainant.

The Applicants/ Complainants respectfully submits as under:- 1) That the complainants: i) Ravi Shanker s/o Sh. Satya Narayan r/o VPO Kathura, Tehsil Gohana, Distt. Sonipat 131301 Mob. No.7027597000 II) Rahul S/O Sh. Ramesh Chander r/ o VPO Kathura, Tehsil Gohana, Distt Sonipat 131301 Mob. No. 9068605223 are Bonafide resident of above-mentioned address and are law abiding citizens. Copy of Aadhar card of complainants is also annexed with the complaint. 2) That the complaints through their friend namely Vikas s/o Sh. Krishan Kumar r/o VPO Rithal Phogat, Distt. Rohtak 124303 Mob.No.8398882044 were introduced to the Accused persons as the Accused No. 3 is the "Mousi" and accused No.2 Kuldeep Luhach s/o Sh. Dharam Sukh (Mousa) of the Vikas s/o Krishan Kumar.

3) That in the month of February 2024 the accused No.2 Kuldeep Luhach s/o Sh. Dharam Sukh Accused No.3 Sunita w/o Sh. Kuldeep Luhach informed the complainants and Vikas s/o Sh. Krishan, that their sons have moved to Australia and are *earning very well. Thereafter the accused represented that the Accused No.1 Paramjeet Luhach s/o Sh. Kuldeep Luhach accused No.4 Mohit Luhach s/o Sh. Kuldeep Luhach are working with an Agency that apply for "Visa" for "Australia" on behalf of their clients and get the same approved and they also facilitate the Flight Tickets, Documentation, other facilities for the transition and Work. The accused influenced and persuaded the complainants to also use the same facility as their sons have also applied through the same and earning handsomely and now also working with the same agency to help others.*

4) The accused represented and assured the complainants that Accused No.1 Paramjeet Luhach s/o Sh. Kuldeep Luhach accused No.4 Mohit Luhach s/o Sh. Kuldeep Luhach are working as the agents of the immigration agency/company and for an amount of Rs.24,00,000/- per person, the agency provides the approved Visa, Flight Tickets, Documentation, other facilities as required for getting their clients to "Australia" and Work upon arrival. They also persuaded the complainant by stating that they don't have to pay the amount upfront but they can make the payment in parts.

5) That upon believing the documents and representations of the accused persons as true and genuine and relying upon their assurances and promises, in month of March 2024, the complainants along with Vikas s/o Sh. Kishan fell in the trap of the accused persons and agreed with the offer and recommendation put before them by the accused persons and transferred the amount as demanded and mentioned by the Accused Persons into the bank account of accused No.1 i.e., Paramjeet Luhach s/o Sh. Kuldeep Luhach. having account No. 4550101004256" maintained with Canara Bank, New Anaj Mandi, Pillukhera, Distt. Jind, Branch IFSC Code

"CNRB0004550". The detail of the transactions is mentioned as follows:-

a) On dated 02/04/2024 amount of Rs.8,00,000/- (Rs.3,00,000/- on behalf of Vikas Rs.5,00,000/- on behalf of Rahul) was transferred by the Vikas s/o Sh. Satyawan from his Bank Account having A/C No. "4501000100053100" maintained with Punjab National Bank, Rithal, Distt. Rohtak Branch in favour of Accused Vide Transaction ID: "PUNBR52024040216556456" Copy of Statement of account is annexed herewith as Annexure C-1.

b) On dated 03/04/2024 amount of Rs.5,00,000/- was transferred by the Ravi Shanker s/o Sh. Satya Narayan from the account of firm "Deep Confectionary and Ice Cream Parlour" managed by the Phool Kumar s/o Sh. Satya Narayan (brother of the Complainant Ravi Shanker) having Bank Account having A/C No. "42830829757" maintained with State Bank of India, Sector-3, HUDA, Rohtak Branch in favour of Accused Vide Transaction ID: "SBIN224094722200". Copy of Statement of account is annexed herewith as Annexure C-2.

c) On dated 20/05/2024 amount of Rs.1,00,000/- was transferred by the Ravi Shanker s/o Sh. Satya Narayan from the account of his father Sh. Satya Narayan having Bank Account having A/C No. 65014901938" maintained with State Bank of India, Julana, Distt. Jind Branch in favour of Accused Vide Transaction ID: "UPI/DR/450720532776". Copy of Statement of account is annexed herewith as Annexure C-3.

d) On dated 20/05/2024 amount of Rs 2,00,000/- was transferred by the Rahul s/o Sh Ramesh Chander from his bank account having A/C No. 77961901006822" maintained with Sarva Haryana Gramin Bank, Kathura, Distt. Sonipat Branch in favour of Accused Vide Transaction ID:

**PUNBR52024052020550 Copy of Statement of account is annexed herewith as Annexure C-4.*

e) On dated 22/05/2024 amount of Rs.1,00,000/- was transferred by the Ravi Shanker s/o Sh. Satya Narayan from the account of firm "Deep Confectionary and Ice Cream Parlour" managed by the Phool Kumar s/o Sh. Satya Narayan (brother of the Complainant Ravi Shanker) having Bank Account having A/C No. 42830829757" maintained with State Bank of India, Sector-3, HUDA. Rohtak Branch in favour of Accused Vide Transaction ID: "SBIN324143922485. Copy of Statement of account is annexed herewith as Annexure C-5.

f) On dated 12/06/2024 amount of Rs.1,00,000/- was transferred by the Vikas s/o Sh. Krishan from his Bank Account having A/C No. "4501000100053100" maintained with Punjab National Bank, Rithal, Distt. Rohtak Branch in favour of Accused Vide Transaction ID: "PUNBL24164467167". Copy of Statement of account is annexed herewith as Annexure C-6. Total aggregated amount transferred to the accused by the complainants: i) Rs.7,00,000/- on behalf of Rahul s/o Sh. Ramesh Chander ii) Rs.7,00,000/- on behalf of Ravi Shanker s/o Sh. Satya Narayan iii) Rs.4,00,000/- on behalf of Vikas s/o Sh. Krishan.

6) That the accused assured and promised that the paperwork and documentation of the complainants as well as Vikas s/o Sh. Krishan is already applied for and the complainants will receive their approved "Visa" and "Flight Tickets" shortly.

7) That on dated 16/05/2024 the Vikas s/o Sh. Krishan received the PDF file of "Visas" of the complainants on whatsapp from the mobile number "9671800622" belonging to Accused No.1 Paramjeet Luhach s/o Sh. Kuldeep Luhach and upon the perusal of the Visas provided by the accused, it was found that *the Visa are under the category of Visitor (subclass 600), 8101 No Work 8201 Maximum Three Month Study Visa conditions as opposed to the detail and information of the Visa provided by the accused. In the Visa pdf file. it is also found that the "Visa Grant Number" "Application ID (transaction reference number)" are redacted/ inked in all the three Visas. The complainants had no way to check the detail status of their Visas as the complainant didn't provide and withheld the requisite information. The complainants approached the accused regarding the same, but the accused again assured and promised that all documentation and paperwork are in order and there is no need to worry. Copy of Visas as provided by the accused is annexed herewith as Annexure C-7 (colly).*

8) That on dated 03/07/2024, Vikas s/o Sh. Krishan received the PDF file of "Air Flight Tickets" of the complainants on whatsapp from the mobile number "9671800622" belonging to Accused No.1 Paramjeet Luhach s/o Sh. Kuldeep Luhach. The departure date was 30th July 2024 for Vikas S/o Sh. Krishan and 1st August 2024 for the complainants but the said tickets were also got cancelled by the accused One week prior to the departure. Upon the enquiry from the accused person, the Accused No.2 Kuldeep Luhach s/o Sh. Dharam Sukh Accused No.3 Sunita w/o Sh. Kuldeep Luhach informed that the Australian Government has issued a new policy and stopped immigration for time being and that the complainants need not to worry as their Visa is valid till 2025 and the process is just delayed not declined. Further they assured the complainants that new air flights ticket will be provided when the prohibition will be revoked. Copy of Visas as provided by the accused is annexed herewith as Annexure C-8 (colly).

9) That in the month of December 2024 the complainants come to know that the Accused No.1 Paramjeet Luhach s/o Sh. Kuldeep Luhach is not in Australia as claimed by the accused persons and is living in India. Thereafter the complainants after having reasonable doubt approached the accused and requested them for the information and status of the applications and do the needful to complete the process. The accused then told the complainants that they are working with the agency and handling the matter, the complainants will get their new Visa's and Flight Tickets or otherwise they will get the refund of the consideration amount paid by the complainants.

10) That after regular follow ups and visits by the complainants, the accused then started evading the complainants and failed to give any satisfactory answer and the complaints were compelled to take matter to the reputed members of the society and in the month of January 2025 a Panchayat was held at Village Bhartana, Distt. Jind in the Presence of (1) Sarpanch Sukhbir Narwal Mob.9518888052 of Village Bhartana, Distt. Jind, (ii) Naveen. Mob.9350384536 husband of Nisha Sarpanch of Village Kathura, Distt. Sonipat, (iii) Sheela (Sarpanch) (iv) Suraj Mal (Ex-Sarpanch) of Village Dhodhi, Distt. Jind. In the panchayat the accused No.2 Kuldeep Luhach s/o Sh. Dharam Sukh acknowledged his responsibility and requested for time to make the payment/return the amount as paid by the complainants and it was agreed that the accused persons will make the payment on or before the 15/05/2025. Further Raja Luhach @ Chander s/o Sh. Balwan (brother of Accused No.2) stood as guarantor and took personal guarantee responsibility in respect of the liabilities of the accused person and assured the complainants and members of the panchayat that if the accused persons failed to make the payment/ return *the amount, he will make the payment on or before the 30/05/2025. That relying upon the assurances and promises of the accused persons, guarantor and other reputed members present in the panchayat, the complainants again relied upon the request and undertaking of the accused.*

11) That the accused failed to comply with the terms as agreed in the panchayat and failed to make the payment/ return the amount to the complainants even after passing of the stipulated time period. Raja Luhach@ Chander s/o Sh. Balwan who stood as guarantor in respect of the liabilities of the accused person, also failed to discharge the liability and make the payment of the amount to the complainants.

12) That as no fruitful result was served from the earlier panchayat and consequent to the act, conduct of the accused person and their behavior of making false promises and overturning their own undertakings, another Panchayat was held on Dated 03/06/2025 at the house Raja Luhach Chander s/o Sh. Balwan r/o Village Bhartana, Distt. Jind in the presence of Sarpanch Sukhbir of Village Bhartana. Whereby the accused persons showed their incapability to make the payment / return the amount to the complainant and flatly refused to return the amount and also threatened the complainants that they can do anything they want but the accused will not be making the payment / return the amount to the complainant. The accused also threatened the complainants that they will regret if they take any steps or involve any other person to ask them to return the amount.

13) That the act and conduct of the accused person clearly shows that the accused persons are having dishonest and malafide intentions since the very beginning and all the accused *has hatched the conspiracy in collusion with each other just to dupe the complainant from their hard-earned money.*

14) This act done by the accused persons with the sole intention of cheating the Complainants and conspiracy resulting in wrong full loss to the Complainant and for their wrong full gain to the accused persons. The complainant further submits that there was a calculated criminal act done by the accused persons to cheat the complainant by grabbing their earnest money. misrepresentation and also by fabricating relevant documents and for this fraud played upon the complainant by the accused persons, the complainants and Vikas s/o Sh. Krishan has suffered losses in all amounting in to total of Rs.18,00,000/-.

15) That from the above facts and circumstances it is amply clear that all the accused persons were having dishonest and malafide intentions since the very beginning and all the accused persons in collusion with each other has cheated the complainant and has played fraud with complainant in criminal conspiracy with each other, misrepresentation, by forging and fabricating the false documents and has misappropriating the amount of the complainants.

16) That the abovementioned facts are necessary for conducting and concluding the investigation.

17) That the complainants are permanently residing within the jurisdiction of P.S Barauda, Sonipat. It is therefore most respectfully prayed that the FIR may kindly be registered against the above said accused persons and they may be arrested and dealt with accordance of law and the recovery of the amount may kindly be effected from the accused persons in the interest of justice. 25-08-25 SD Ravi Shankar Applicant/ Complainant Ravi Shanker s/o Sh. Satya Narayan r/o VPO

Kathura, Tehsil Gohana, Distt. Sonipat 131301 Mob. No.7027597000 SD Rahul Applicant/ Complainant Rahul s/o Sh. Ramesh Chander r/o VPO Kathura, Tehsil Gohana, Distt. Sonipat 131301 Mob. No.9068605223.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The amount of Rs.18 lacs has been transferred by the petitioner into the bank account of the Immigration firm and no amount has been retained by him. In fact, the petitioner himself has lost approximately Rs.39 lacs. The forged Visas were sent on the phone of the petitioner from the Immigration office which were forwarded to the complainants. No tickets have ever been booked by the petitioner. There is a significant delay of more than 01 year in the registration of the FIR. As the petitioner is ready and willing to join the investigation, he be granted the concession of anticipatory bail.

4. The learned counsel for the State, on the other hand, has filed a status report dated 25.05.2026 which is taken on record. While referring to the said report, he contends that the petitioner received an amount of Rs.18 lacs. He is in connivance with the Immigration firm. The fake and fabricated documents were sent to various aggrieved persons. Transcripts of conversation are available regarding issuance of fake Visas and refund of money. In fact, the petitioner has deliberately evaded the complainants and has failed to fulfil his assurances to repay them. A similar undertaking has been given before this Court which undertaking has not been fulfilled. As the offence is *prima facie* established and the investigation is to be taken to

its logical conclusion, the custodial interrogation of the petitioner is certainly required and therefore, he is not entitled to the concession of anticipatory bail.

5. I have heard the learned counsel for the parties.

6. The Hon'ble Supreme Court in the case of ***'Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022(4) RCR (Criminal) 977',*** has held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the *prima facie* case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

> *"It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.*
>
> *Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.*
>
> *We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed*

> *by the High Court granting anticipatory bail to the accused should be quashed and set aside.* ***In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.*** *"*

7. As per the prosecution case, the petitioner received an amount of Rs.18 lacs from the victims to send them abroad. Though, an attempt has been made to establish that the Rs.18 lacs received by the petitioner have been transferred to the Immigration firm, it is a case wherein the petitioner is in conspiracy with the Immigration firm. In furtherance of the same, fake

and forged travel related documents have been provided to the victims. The petitioner has admitted to settle the dispute with the victims on a number of occasions but has refused to refund the amount received from the victims. When this matter had come up for hearing on 12.05.2026, the first and only contention of the petitioner was that Rs.18 lacs received by the petitioner would be refunded alongwith the interest. However, he has chosen not to do so. Apparently, the offence is *prima facie* established and the investigation is required to be taken to its logical conclusion.

8. The status report dated 25.05.2026 filed by way of an affidavit of Sandeep Singh, HPS, Assistant Commissioner of Police, Gohana, District Sonipat on behalf of the respondent-State enumerates the evidence collected against the petitioner. The relevant extract is as under:-

> *5. That during investigation documents submitted by the complainant along with the complaint were duly taken on record and carefully examined. That upon perusal of the WhatsApp chats; it was revealed that on 16.05.2024, the nominated accused Paramjeet (Petitioner), from his WhatsApp mobile number, had sent fake visa to Rekha, Rahul, Vikas and Ravi Shankar. Further, chats dated 14.05.2024 and 29.06.2024 reflects discussion regarding air tickets, and on 18.09.2024, there is a mention of refund of money on account of non-availability of tickets. Moreover, from the transcription of the call recordings placed on file, it has also surfaced that there was conversation regarding providing fake visas.*
>
> *6. That during the course of investigation, statements of witnesses namely Vikas son of Krishan Kumar, resident of*

Village Rithal, District Rohtak and Rahul son of Ramesh Chander, resident of Village Kadhura, Tehsil Gohana, District Sonipat were recorded separately under Section 180 BNSS, which are placed on record. The copy of statement 180 BNSS of Vikas is annexed as Annexure R1.

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8. That during further investigation the details of the bank statement (Total 31 Pages) of account No. 4550101004256 were obtained, which stands in the name of petitioner/accused Paramjeet son of Kuldeep, resident of Village Bhartana, Tehsil Julana, District Jind, which was taken into police possession as evidence vide seizure memo. During the scrutiny of the bank statement, it was revealed that the complainant and his associates, on the instructions of accused Paramjeet, deposited amounts of Rs.8,00,000/- on 02.04.2024, Rs.5,00,000/- on 03.04.2025, Rs.1,00,000/- on 20.05.2024, 2,00,000/- dated 20.05.2024 Rs.1,00,000/- on 22.05.2024, and Rs.1,00,000/- on 12.06.2024, into the above said account. The copy of Bank Statement of petitioner/accused Paramjeet is annexed as Annexure R2.

XXXX XXXX XXXX

10. The role of petitioner/accused Paramjeet is as follows: He played a central and active role in the commission of the alleged offence, as he represented himself to be associated with an immigration agency and induced the complainants to part with substantial amounts of money on the false promise of arranging visas and travel to Australia; he received payments directly in his bank account which are already mentioned in para no. 8 of this status report, and further sent fabricated visa *documents and flight tickets through WhatsApp, engaged in conversations regarding issuance of fake visas and refund of money, and thereafter deliberately evaded the complainants and failed to fulfill his assurances, thereby prima facie establishing his involvement in cheating, forgery and criminal breach of trust in connivance with co-accused persons.*

9. Keeping in view the allegations against the petitioner and the evidence collected, the petitioner is not entitled to the discretionary relief of anticipatory bail and therefore, the present petitioner stands dismissed.

10. However, it is made clear that the observations made in this order are only for the purpose of deciding this bail application and the Trial Court is free to adjudicate upon the matter on the basis of the evidence led before it uninfluenced by any such observations made.

11. The pending application(s), if any, shall stand disposed of accordingly.

May 29, 2026 **(JASJIT SINGH BEDI)**
sukhpreet **JUDGE**

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