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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-42793-2025
Decided on: 24.03.2026

Nilesh KumarPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Ms. Sushma, Advocate for
Mr. Satnam Singh Thakur, Advocate for the petitioner.

Mr. Neeraj Madaan, Sr, DAG, Punjab.

Ms. Shiwani, Advocate for the complainant.

SANJAY VASHISTH, J.

1. Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name & age of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Nilesh Kumar	169	27.08.2024	420, 120 B IPC (Sections 318(4) and 61(2) of BNS) and Section 24 of Immigration Act	Focal Point	Ludhiana

2. After hearing learned counsel for the petitioner on 07.08.2025 following was recorded:



“1. xxxxx

2. *Learned counsel for the petitioner, inter alia, contends that, as per the allegations, complainant claims to have been defrauded by "Proficient Education Immigration and IELTS Company, Focal Point, Ludhiana," for an amount of Rs.15 lakhs. It is alleged that the said amount was taken on the pretext of sending the complainant's wife to New Zealand on a work visa.*

3. *Further submits that complainant's wife, namely Jaspreet Kaur, has already gone to New Zealand on 03.08.2023 and is presently well settled there. It is argued that FIR has been lodged nearly a year after her departure, merely as a means to recover the amount paid by the complainant to the petitioner company. Moreover, petitioner is ready to join the investigation and fully cooperate, if protected from arrest by this Court. Thus, prays for grant of concession of anticipatory bail to the petitioner in the present case.*

4. *Notice of motion.*

5. *On advance notice, Mr. Neeraj Madaan, puts in appearance on behalf of the respondent - State, and submits that in fact, as per the agreement executed between the petitioner and the complainant, it was upon the petitioner to provide the work visa to wife of the complainant.*

6. *Adjourned to 10-11-2025.*

7. *In the meanwhile, the petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also be abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.).*

8. *Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport.*

It is also directed that before leaving country any time

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during trial, petitioner would seek prior permission of the Court.”

3. Continuing his submissions, learned counsel for the petitioner submits that in compliance with the order dated 07.08.2025 passed by this Court, petitioner has joined the investigation and has extended full cooperation. He, therefore, prays for confirmation of the interim anticipatory bail order.

4. On instructions, learned State counsel submits that, in pursuance of the directions issued by this Court, petitioner did join the investigation; however, he has neither furnished his passport nor submitted an affidavit regarding non-possession of a passport.

5. I have heard learned counsel for the parties and perused the paper-book.

6. Since, petitioner has already joined the investigation, ad-interim bail order dated 07.08.2025, passed by this Court is hereby made absolute. Accordingly, present petition is allowed.

It is made clear that petitioner shall continue to join the investigation as and when required to do so and abide by all the terms and conditions laid down under Section 482(2) of BNSS, 2023.

7. However, it is clarified that in case the passport or an affidavit regarding non-possession of a passport, if he does not possess one, is not submitted to the Investigating Agency or the Court concerned within a period of one week from today, the present order shall be deemed to be inoperative and the Investigating Officer shall be at liberty to proceed with the arrest of the petitioner.



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8. Accordingly, petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

24.03.2026
Rashmi

Whether Speaking/Reasoned: YES/~~NO~~
Whether Reportable: ~~YES~~/NO