



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.44357 of 2025 (O&M)

Reserved on: 20.02.2026

Pronounced on:24.02.2026.

Sarabjit Singh

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Argued by: Mr. Mansur Ali, Sr. Advocate with
Ms. Amanpreet Kooner, Advocate and
Mr. Vaibhav Garg, Advocate for the petitioner.

Mr. Eklavya Darshi, DAG, Punjab.

Mr. Bipan Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate and
Mr. Nikhil Thamman, Advocate for the complainant.

SURYA PARTAP SINGH, J. (Oral):

This is first petition for bail, moved by the petitioner under Section 483 of the 'Bharatiya Nagarik Suraksha Sanhita 2023'. This petition has been filed with regard to a case arising out of FIR No.131 dated 15.07.2025, for the commission of offence punishable under Sections 406, 420, 506, 120-B of Indian Penal Code and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012, Police Station Model Town, District Police Comissionerate, Ludhaina.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of 'Gurkaran Singh', hereinafter being referred to as 'complainant' only. It was stated by the complainant that his close friend 'Akashvir Singh Kang' wanted to go to USA and settle there, with



his wife and two children, and that in the backdrop of above mentioned desire the accused 'Daljit Singh', 'Sarabji Singh', 'Jai Jagat Joshi' and Doctor (full name not known) came in contact of 'Akashvir Singh', and promised him to arrange the visa for 'Akashvir Singh' and his family. According to complainant in the month of September 2023, 'Akashvir Singh' invited the above said person to the residence of complainant and in the presence of complainant paid Rs.90,00,000/- to them. According to complainant the video footage of above mentioned incident was duly recorded in the mobile phone, and that in the abovesaid video footage the accused can be seen counting the money.

3. It was further alleged by the complainant that he came to know that his friend 'Akashvir Singh' had been cheated by the abovesaid person, who instead of sending 'Akashvir Singh' to USA sent him and his family firstly to Dubai and then to El Salvador from where they called family members of 'Akashvir Singh' of dire consequences and pressurise them to pay more money, and thus, extorted another Rs.50,00,000/- from the family of 'Akashvir Singh'. While claiming that the accused had falsely projected themselves as travel agent, and usurped a large amount on false pretext, the action was sought to be taken against the accused.

4. It is the case of the prosecution that in view of above mentioned statement, formal FIR of this case was lodged, and the investigation taken up.

5. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record.

6. Heard.

7. It has been contended by learned counsel for the petitioner that the



offence is triable by the Court of Judicial Magistrate, and that the petitioner has already suffered a prolonged incarceration for being in custody for a period of almost 7 months. It has also been contended by learned counsel for the petitioner that on false grounds the FIR has been lodged against the petitioner and that even the arrest of the petitioner is illegal as the grounds of arrest were not served upon the petitioner before his arrest. In support of his above mentioned arguments the learned counsel for the petitioner has relied upon the principles of law propounded by the Hon'ble Supreme Court of India in various cases including the case of 'Vihaan Kumar Vs. The State of Haryana and anr. AIR 2025 Supreme Court 1388'.

8. It has also been contended by learned counsel for the petitioner that another lapse on the part of the Investigating Agency is that the petitioner is being prosecuted under Section 13 of the Prevention of Human Smuggling Act 2012 whereas the prosecution should have been under the Punjab Travel Professionals' Regulation Act, 2012.

9. Per contra, the learned State counsel has contended that in the present case there are very specific and categorical allegations against the petitioner qua the fact that he despite being a police official indulged in illegal activities of collecting money by projecting false facts, and that the video footage showing him receiving the money is irrefutable evidence to show that the petitioner is responsible for the cheating.

10. The learned Senior counsel for the complainant has contended that in the present case transactions of huge amount of money has taken place and that most glaring fact to be taken into consideration is that one of the official of



Punjab Police is involved in the commission of offence. The learned Senior counsel for the complainant has also contended that the petitioner has criminal record as he is already facing one prosecution under Prevention of Corruption Act.

11. In addition to above, the learned Senior counsel for the complainant has also contended that in the present case the quantum of cheated amount is huge, and therefore, also, i.e. in view of gravity of offence, the petitioner is not entitled for the benefit of bail.

12. The record has been perused carefully.

13. A perusal of the record shows that following are the relevant factors which are required to be taken into consideration for the purpose of decision in the present petition:-

- i) that the offence is triable by the Court of Judicial Magistrate;
- ii) that the petitioner is already in custody for a period of almost 7 months;
- iii) that the victim, who made the payment has not come forward to file any complaint against the petitioner. Rather it is by a person who is not aggrieved;
- iv) that there is no written agreement between the victim and the petitioner;
- v) that a huge amount has been paid in cash which in itself creates a strong doubt against the claim of complainant with regard to payment of money;



- vi) that nothing is left to be recovered from the possession of petitioner;
- vii) that detention of petitioner in judicial lock-up is not likely to serve any purpose;
- viii) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses;
- ix) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial.

14. In the present case, the principles of law laid down by the Hon'ble Supreme Court in the case of 'Dataram versus State of Uttar Pradesh and another', (2018) 3 SCC 22, are relevant, wherein it has been observed that "a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal



jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

15. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil v. Central Bureau of Investigation’ (2022) 10 SCC 51 are also relevant in this case. In the abovementioned case, it has been observed that “the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.

16. Recently, in the case of ‘Tapas Kumar Palit Vs. State of Chhattisgarh’, 2025 SCC Online SC 322, the Hon’ble Supreme Court of India has observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed”. It has also been observed by the Hon’ble Supreme Court of



India in the abovementioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently”.

17. To elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to an undertrial prisoner, as mandated by Hon’ble Apex court in ‘Balwinder Singh versus State of Punjab and another’ 2024 SCC Online SC 4354.

18. Taking into consideration the cumulative effect of all the aforesaid factors, it is hereby held that the petitioner is entitled for the concession of bail, and that the present petition deserves to be allowed.

19. Accordingly, without commenting anything on the merits of the case, the present petition is hereby **allowed**. The petitioner is hereby ordered to be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However, the abovesaid benefit shall be subject to following conditions:-

- i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the Court or to any other authority;
- ii) that the petitioner shall at the time of execution of bond, furnish



the address to the Court concerned and shall notify the change
in address to the trial Court, till the final decision of the trial;
and
iii) that the petitioner shall not leave India without prior permission
of trial Court.

(SURYA PARTAP SINGH)
JUDGE

Pronounced on:24.02.2026
Manoj Bhutani

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