2026:PHHC:053004

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-44490-2025 (O&M)
DECIDED ON: 07.04.2026

RAHUL MANHAS .....PETITIONER

VERSUS

STATE OF PUNJAB .....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH.

Present: Mr. Vipin Mahajan, Senior Advocate, with
Ms. Gaganbir Kaur Kahlon, Advocate,
for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

Mr. Dinesh Mahajan, Advocate,
for the complainant.

SANJAY VASHISTH, J (ORAL)

CRM-14734-2026

1. Present application has been moved by the applicant/petitioner, for recalling of the order dated 25.03.2026, whereby the main petition was dismissed for non-prosecution, on account of non-appearance of counsel for the applicant/petitioner.

2. Learned Senior counsel for the applicant/petitioner submits that as per the circular issued by this Court, NIC preponed the dates of hearing in the bail matters. The present case was also preponed by NIC from 13.05.2026 to 25.03.2026.

On 25.03.2026, when the case was called for hearing, counsel for the applicant/petitioner did not appear and this Court was pleased to dismiss the same for non-prosecution.

3. Notice in the application.

4. On advance notice, Mr. Neeraj Madaan, Sr. DAG, Punjab, puts an appearance on behalf of the respondent/State, and Mr. Dinesh Mahajan, Advocate, puts an appearance on behalf of the complainant, and raise no serious objection, if prayer made in the present petition, is allowed.

5. Considering the submissions addressed by counsel for the respective parties, prayer made in the present application is allowed, and order dated 25.03.2026 is hereby recalled and main petition, i.e. CRM-M-44490-2025 is taken up on Board, today itself.

6. CM stands disposed of.

CRM-M-44490-2025

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
Rahul Manhas, aged about 34 years	61	15.07.2025	420, 120-B of IPC, and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014	Bhaini Mian Khan	Gurdaspur

2. After hearing the submissions addressed by counsel for the petitioner, on 11.09.2025, following order was passed:-

> *"1. xx xx xx xx xx*
> *2. Learned counsel for the petitioner, inter alia, contends that an FIR was registered on 15.07.2025 against Rahul Manhas and one Sehbaaz for allegedly duping the complainant, Jasbir Kaur, for*

a sum of Rs. 38 lakhs, purportedly for sending her son to the USA.

As per the allegations, Rs. 10 lakhs in cash were paid to the petitioner, while Rs.26 lakhs were deposited into the bank account of the co-accused Sehbaaz. FIR further states that it was the petitioner who introduced the complainant to Sehbaaz by giving his reference, assuring that Sehbaaz would make the necessary arrangements. Subsequently, petitioner is alleged to have accepted the cash amount of Rs.10 lakhs from the complainant and instructed that the remaining amount be deposited as well.

3. Notice of motion.

4. On advance notice, Mr. Neeraj Madaan, Senior Deputy Advocate General, Punjab, appeared on behalf of the respondent/State and submits that during the inquiry, it was revealed that out of Rs.10 lakhs, petitioner had deposited Rs.6 lakhs into the bank account of Sehbaaz, who is yet to be arrested. This means that total sum of Rs.32 lakhs has been deposited in Sehbaaz's account, (Rs.26 lakhs by the complainant and Rs. 6 lakhs by the petitioner).

5. It is noticed by this Court that FIR was registered about two months ago, yet no explanation has been provided as to why the main accused, against whom serious allegations of duping the complainant for Rs.32 lakhs exist, remains at large.

6. List again on 10.11.2025.

To be shown in the urgent list.

7. The Senior Superintendent of Police, Gurdaspur, is directed to look into the matter and file an affidavit detailing the efforts made by the investigating officer to take necessary steps for the arrest of the accused in the present case.

8. Meanwhile, petitioner shall not be arrested. However, issue of joining of investigation by the petitioner would be examined on the next date of hearing, after reviewing the status report, which is yet to be filed by learned State counsel."

3. Continuing his submissions, learned Senior Counsel for the petitioner submits that it is an almost admitted position on the part of the complainant that an amount of Rs.26 lakhs was directly deposited by him into the bank account of the main accused-Sehbaaz, while a sum of Rs.10 lakhs in cash was paid to the petitioner. It is further submitted that out of

the said cash amount, petitioner transferred Rs.6 lakhs to the bank account of the main accused-Sehbaaz, and thus retained only Rs.4 lakhs.

It is further submitted that an FDR of Rs.5 lakhs has already been deposited by the petitioner before the trial Court.

3. Learned Senior Counsel contends that question as to whether the amount paid to the main accused-Sehbaaz, was on account of inducement by the petitioner, or was paid directly by the complainant, is a matter of evidence, the burden of which would lie heavily upon the complainant during trial.

4. He further submits that during the pendency of the present petition, main accused-Sehbaaz, has already been arrested and is presently in judicial custody. It is also submitted that the remaining amount is to be recovered from the said main accused.

5. On the other hand, learned State counsel as well as counsel for the complainant, while opposing the submissions made on behalf of the petitioner, submit that petitioner is one of the main accused and it was upon his inducement that complainant was defrauded of an amount of Rs.36 lakhs. Accordingly, it is argued that petitioner does not deserve the concession of bail.

6. This Court has heard learned counsel for the parties and has perused the record available on file.

7. Undoubtedly, it has become a common trend in the State of Punjab that aspirations of settling abroad are exploited by intermediaries, resulting in individuals paying substantial amounts. In cases where such ventures fail, criminal proceedings are often initiated, at times with the

underlying objective of expediting recovery of the amounts paid, including cash components.

8. In the present case, the remaining amount is expected to be recovered from the main accused-Sehbaaz, who is presently in custody. Therefore, this Court does not find any substantial reason to subject the petitioner for custodial interrogation.

9. Considering that the petitioner has already deposited an amount of Rs.5 lacs in the form of an FDR before the trial Court, **this Court deems it appropriate to dispose of the present petition,** with the direction to the petitioner to join the investigation within two weeks from today or as and when called by the investigating officer, and in the eventuality of the arrest, petitioner would be released on anticipatory 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.).

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

11. Needless to mention that it shall be duty of the petitioner to ensure that the FDR is renewed from time to time, until the final disposal of the case.

12. With the directions recorded here above, present petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

07.04.2026
Lavisha

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