



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

57

CRM-M-45761-2025

Date of decision : 06.04.2026

SANJEEV BHATIA

..... PETITIONER

VERSUS

STATE OF PUNJAB

..... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present :- Mr. Vaibhav Narang, Advocate
for the petitioner.

Mr. J.S. Thind, DAG, Punjab.

Mr. M.S. Kathuria, Advocate
for the complainant.

SURYA PARTAP SINGH. J.(Oral)

1. This petition for pre-arrest bail is the first petition, filed by the petitioner under Section 482 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No.73 dated 08.04.2025, for the commission of offence punishable under Sections 406 & 420 of India Penal Code, 1860 and Section 13 of Punjab Travel Professional Act 2014, Police Station City Sangrur, District Sangrur.

2. The above-mentioned FIR came into being at the instance of 'Sukhpal Singh', hereinafter being referred to as 'complainant' only. It has been stated by the complainant that he is Bachelor of Art and that he

wanted to go abroad on a work permit. According to complainant in the restaurant of his friend's uncle 'Satnam Singh', being run in the name of 'Panj Tara Dhaba', Yamuna Nagar, he came across 'Sanjeev Bhatia' (the petitioner herein). According to complainant when he was sitting in the restaurant, he overheard the conversation of 2-3 persons sitting on the adjoining table and came to know that one of them i.e. the petitioner was in the occupation of sending people abroad. As per complainant when he came to know about the above-mentioned fact he expressed his desire to go abroad, and that the petitioner gave him an assurance that by exploiting his relations with immigration officers, he would facilitate the immigration of petitioner to a foreign country. The pith and substance of the remaining part of the complainant was that in the name of sending him abroad a deal for a sum of Rs.20,00,000/- was struck, and that he had paid Rs.7,20,000/- to the petitioner, but the respondent neither arranged the paper for his immigration nor returned the money, and thus, cheated him.

3. It is the case of the prosecution that pursuant to above-mentioned complaint formal FIR of this case was lodged and the investigation taken up. According to prosecution during the course of investigation an enquiry was conducted by a Senior Ranking Police Officer i.e. DSP, and it has been found that with an intention to cheat the complainant the respondent had received a sum of Rs.7,20,000/- from the complainant.

4. Heard.

5. It has been contended by learned counsel for the petitioner that an altogether false story has been cooked up by the complainant, which is

so unnatural that it cannot convince a prudent mind. According to learned counsel for the petitioner the complainant is resident of 'Barnala', whereas the petitioner is resident of Yamuna Nagar, who has never been to any place in Barnala. As per learned counsel for the petitioner as an arm twisting tactics to extract money from the petitioner, the false FIR has been lodged in Police Station City Sangrur, whereas neither there was any deal nor any payment by the complainant to the petitioner. The learned counsel for the petitioner during the course of his arguments has highlighted the fact that it is far from believable that a person sitting on a restaurant on adjoining table would be paid Rs.7,20,000/- in cash.

6. In addition to above, the learned counsel for the petitioner has also contended that otherwise also the offence is triable by the Court of Judicial Magistrate, and the maximum punishment prescribed for the offence is imprisonment up to seven years, and that custodial interrogation of the petitioner is not likely to produce any fruitful result.

7. The learned State Counsel, being assisted by learned counsel for the complainant, has controverted the abovementioned arguments. According to learned State counsel in the present case there are very serious allegations against the petitioner with regard to cheating for a sum of Rs.7,20,000/-, and that the facts alleged by the complainant have been duly verified by a Senior ranking police officer. The learned State counsel has further contended that in order to recover the money and extract other details pertaining to case in hand, custodial interrogation of the petitioner is necessary.

8. The record has been perused carefully.

9. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision:-

- i. that the offence is triable by the Court of Judicial Magistrate;
- ii. that the maximum punishment prescribed for the commission of abovementioned offence is imprisonment upto seven years;
- iii. that there is nothing on record to show that by custodial interrogation of the petitioner any relevant piece of evidence can be collected, from the possession of petitioner;
- iv. that the petitioner has no criminal antecedents;
- v. that the story set-out by the prosecution *prima facie* seems to be unnatural;
- vi. that the investigation and trial are not likely to be concluded in near future;
- vii. that the detention of petitioner in judicial lock-up is not likely to serve any purpose;
- viii. that there is nothing on record to show that while on interim anticipatory bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and
- ix. that there is nothing on record to show that while on interim anticipatory bail, the petitioner will not participate/cooperate in the investigation.

Taking into consideration the cumulative effect of all the abovementioned factors, the order dated 21.08.2025, granting interim anticipatory bail to the petitioner, is hereby made absolute. The present petition stands **allowed** accordingly.

(SURYA PARTAP SINGH)
JUDGE

06.04.2026
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Whether speaking/reasoned : Yes
Whether Reportable : No