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

**CRM-M No.49381 of 2025 (O&M)
Date of Decision: 19.03.2026**

Balwinder Singh

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Kamaljeet Singh Mamrat, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J. (ORAL)

CRM-35421-2025

CRM-50675-2025

Allowed as prayed for.

CRM-M No.49381 of 2025

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.82, dated 09.05.2023, under Sections 406, 420 of IPC and Sections 10 & 24 of Emigration Act, registered at Police Station Jhansa, District Kurukshetra.

2. Succinctly, the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Jogi Ram. It was alleged that the complainant was working as welder and his shop name was Jogi Welding Works, situated in village Jhansa, Kurukshetra. It was alleged that in February, 2021, Sunil Kumar, who was



his distant relative, came to the shop of complainant and asked about his children. The complainant apprised him that his son, Rajat Kumar had done B.Sc (Agriculture), whereas his daughters were pursuing their study. Sunil Kumar allured the complainant by saying that there were no Govt. jobs here and his sons, namely, Ankur and Amar and their friend, namely, Balwinder @ Bunty (petitioner) were in the business of Emigration and they could send his son to America on study visa. It was further alleged that in March, 2021, all four persons visited the shop of the complainant and took away the passport and other documents of the son of complainant. After few days, they called the complainant and told him to arrange the money as the work of his son was done, and thereafter, they told that offer letter from USA was received and asked him to send money. On 15.05.2021, Sunil Kumar and Balwinder Singh (petitioner) visited the shop of complainant and took an amount of Rs.1,90,000/-. On 18.05.2021, an amount of Rs,4,02,487/- was transferred in the bank account of Ankur through RTGS by brother of the complainant, namely, Kali Ram. It was alleged that they took the son of complainant to Delhi and his interview was taken in an office. Thereafter, a sum of Rs.3,95,222/- was got transferred to their account on 14.07.2021 and on 22.07.2021, an amount of Rs.4,02,052/- was further got transferred through RTGS. The complainant also gave an amount of Rs.2,00,000/- in cash to Sunil Kumar. It was alleged that neither the accused sent his son to abroad nor did they return the amount given by the complainant to them. The complainant went to the house of accused with some respectable persons, but they refused to return the amount while extending threats to eliminate the



complainant and his son. Thus, the request was made to take legal action against all the accused. On the basis of the same, the FIR was registered. On registration of the FIR, the investigation commenced. Resultantly, the petitioner was arrested on 18.06.2025. On completion of the investigation, the challan has been presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Additional Sessions Judge, Kurukshetra praying for the grant of regular bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Kurukshetra dismissed the bail application filed by the petitioner vide order dated 12.08.2025. Hence being aggrieved, the petitioner is before this Court praying for grant of regular bail by way of filing the present petition.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He has submitted that the allegations made by the complainant regarding the payment of Rs.16,00,000/- are qua the co-accused. He, however, has submitted that there are allegations against the petitioner that he was paid an amount of Rs.1,90,000/- but the petitioner has already resolved his dispute with the complainant by way of compromise dated 13.07.2023. He has submitted that the petitioner has no criminal antecedents as he has never been involved in any other case. He has submitted that the investigation is already complete and the charges have also been framed. He has submitted that co-accused, namely, Sunil Kumar, is already on bail. He has submitted that the petitioner is behind bars from last more than 08 months. He has submitted that in the facts and circumstances, the petitioner deserves to be



granted regular bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner had played an active role in the commission of offence. He has submitted that there are specific allegations against the petitioner having received an amount of Rs.1,90,000/- in cash from the complainant. He has submitted that the compromise, as contended by learned counsel for the petitioner before this Court, has no consequences on the offence committed. He, on instructions, has submitted that out of total 13 prosecution witnesses, no witness has been examined so far. He has produced custody certificate of the petitioner today in the Court, which is taken on record.

5. Heard.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since the date of his arrest, i.e. 18.06.2025. The allegations of transferring the majority of the amount by the complainant are qua the co-accused. Co-accused, Sunil Kumar, is already on bail. Custody certificate produced would show that the petitioner has suffered an incarceration of 08 months and 29 days as on 18.03.2026. It further reflects that the petitioner is not involved in any other case. Out of total 13 prosecution witnesses, no witness has been examined so far.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will



take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

9. Nothing said herein shall be treated as an expression of opinion on the merits of the cases.

19.03.2026

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(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No