



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

CRM-M-51641-2025 (O&M)

Date of decision: 10.02.2026

Sagar Sinha

.....Petitioner

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Sachin Kalia, Advocate
for the petitioner (through VC).

Mr. Gorav Kathuria, DAG, Punjab.

Mr. K.S. Dadwal, Advocate
for respondent No.2.

RAJESH BHARDWAJ, J.

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in case FIR No.109 dated 12.08.2025, under Sections 316(2), 318(4) of BNS, 2023, Section 13 of Punjab Travel Professionals (Regulation) Act, 2014, registered at Police Station Bhogpur, District Jalandhar Rural.

2. Succinctly, facts of the case are that FIR has been lodged on the statement of complainant namely, Iqbaljit Singh wherein, he alleged that he was retired from the Department of Rural Development and Panchayat Department as District Development and Panchayat Officer. Due to death of his brother-in-law namely, S.Resham Singh, his nephew namely, Ajaypal Singh was living with the complainant. Since his childhood, his nephew-Ajaypal Singh was desirous to go to America as many of their family members resides there. Therefore, the complainant talked to his mama's son namely, Karamjit Singh regarding the same. He told him that he knew a travel agent namely, Amandeep Singh Kalsi and his wife Nidhi Kalsi, who have sent many people to America. Thereafter, a deal was struck with Amandeep Singh Kalsi



and Nidhi Kalsi for sending Ajaypal Singh (nephew of Iqbaljit Singh) abroad for a consideration amount of Rs.45.00 lacs. Eventually, on the false assurance of Amandeep Singh Kalsi, the passport of his nephew along with a sum of Rs.7,00,000/- were handed over to him. His nephew was called to Delhi where Amandeep Singh Kalsi took a sum of Rs.80,000/- on 28.08.2024 and 2000 American Dollars on 29.08.2024. Thereafter a sum of 2000 American Dollars was also taken from the complainant in the account of one Pankaj Kumar Badhan on the same day. Thereafter, flight from Delhi to Ethiopia was booked for 30.08.2024 and further flight from Ethiopia to Morocco was booked for 15.09.2024. Further amount of Rs.1,00,000/- in the account of Sagar Sinha (petitioner) on 14.09.2024, Rs.2,00,000/- on 16.09.2024, Rs.4,00,000/- on 19.09.2024, Rs.2,00,000/- on 15.10.2024 was taken in the account of Pankaj Kumar Badhan, Rs.1,00,000/- in the account of Kamlesh Rani and on 17.10.2024 Rs.4,00,000/- in the account of Pankaj Kumar were got transferred by the complainant and his family members on the asking of travel agents. Eventually, Ajaypal Singh was sent from Morocco to Tashkent through flight on 02.10.2024 and from Tashkent to Cuba on 12.10.2024. Thereafter, the travel agents told Ajaypal Singh that he would be sent to America through 'dunky' route to which Ajaypal Singh told them to send him to America in a legal manner as they have demanded a heavy amount from them. The travel agents assaulted Ajaypal Singh and did not send him to America. Thereafter, with the intervention of the police and respectables, a compromise was arrived at whereby Amandeep Singh Kalsi, Nidhi Kalsi and Sagar Sinha (petitioner) admitted their mistake and agreed to return a sum of Rs.26.00 lacs to the complainant. Pursuant to the said compromise only Rs.9,00,000/- has been returned to the complainant. Finding no other option, FIR was registered against them. On registration of the FIR, apprehending the arrest, petitioner approached the Court of learned Additional Sessions Judge, Jalandhar praying



for grant of anticipatory bail. However, after hearing counsel for the parties, finding no merit in the same, learned Additional Sessions Judge, Fatehgarh Sahib, declined the same vide order dated 28.08.2025. Hence, being aggrieved, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that petitioner has been falsely implicated in this case. He submits that the petitioner has no role in the present case. He submits that when the earlier complaint had been filed, he along with two co-accused namely, Pankaj and Ravi Jaswal had agreed to pay Rs.13.00 lacs to the complainant. He submits that though co-accused Pankaj and Ravi Jaswal did not make any payment however, out of Rs.13.00 lacs, he has already paid Rs.10.00 lacs to the complainant and for the remaining amount of Rs.3,00,000/-, he has issued three different cheques amounting to Rs.1,00,000/- each. He submits that during the course of arguments, the matter was referred to the Mediation and Conciliation Centre of this Court on the undertaking given by learned counsel for the petitioner that petitioner is ready to pay the remaining amount, however, due to some unavoidable circumstances, petitioner could not before the Mediation and Conciliation Centre of this Court and thus the case remained a non-starter case before the Mediation Centre. Hence, he submits that the petitioner deserves to be granted anticipatory bail.

4. Learned State counsel has filed status report by way of an affidavit of Mr. Rajiv Kumar, PPS, Deputy Superintendent of Police, Sub-Division, Adampur, District Jalandhar (Rural). He has opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner in connivance with co-accused namely, Amandeep Singh Kalsi, induced the complainant to part with huge sums of money on the false pretext of legally sending the complainant's nephew to America. He has submitted that the petitioner has played an active role by cheating the complainant's nephew.



He has submitted that in pursuance to the order dated 03.12.2025 passed by this Court, the petitioner has not even joined the investigation and thus, he is not entitled to the relief of anticipatory bail.

5. Learned counsel for the complainant has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that admittedly, the petitioner had given three cheques of Rs.1,00,000/- each (total Rs.3,00,000/-) to the complainant however, on presentation of the same, all the cheques were dishonored. He has submitted that the petitioner had played an active role in cheating the complainant in connivance with the co-accused. He has submitted that petitioner had sought the interim protection by this Court on the false promise. He submits that the petitioner was never keen to settle the dispute amicably as was submitted before this Court. He thus, submits that no case for the grant of anticipatory bail is made out and the same being devoid of any merits, deserves to be dismissed.

6. On hearing counsel for the parties and perusing the record, it is deciphered that there are specific allegations against the petitioner that he in connivance with travel agents cheated the complainant's nephew for a huge amount. It is apparent that neither the petitioner has joined the investigation and even the cheques given to the complainant before this Court were dishonored.

7. Perusal of the case file would show that, vide order dated 29.09.2025, with the consent of the parties, the matter was referred to the Mediation Centre for exploring the possibility of amicable settlement and the petitioner was granted interim protection. However, time and again despite availing various opportunities, the mediation remained unsuccessful. It is evident that on 03.12.2025, the matter was again referred to the Mediation Centre and in the meantime, petitioner was directed to join the investigation.

Despite availing numerous opportunities, the settlement could take place



between the parties and the counsel for the petitioner failed to convince the Court regarding the failure of the mediation as undertaken before this Court. This Court finds that evidently the investigation is at threshold. The interim protection granted to the petitioner was only on the undertaking given before this Court that the petitioner was ready to settle the dispute but the same has been misused.

8. The Hon'ble Supreme Court in a recent judgment of '**Gajanan Dattatray Gore Vs. State of Maharashtra, 2025 INSC 913**' has held that bails should not be granted solely on the undertaking given by the accused persons. The relevant part of the same reads as under:-

'Be that as it may, now we have made ourselves very clear that there shall not be a single order that the High Courts and the Trial Courts shall pass for grant of regular bail or anticipatory bail on the basis of any accused or his/her family members giving an undertaking to deposit a particular amount. The plea shall be decided strictly on merits in accordance with law. If the case is made out on merits the court may exercise its discretion and if no case is made out on merits the court shall reject the plea for regular bail or anticipatory bail as the case may be. However, in any circumstances the High Courts or trial courts shall not pass a conditional order of regular bail or anticipatory bail.'

9. For the consideration of anticipatory bail, the statutory parameters are given under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 which reads as under:-

"Direction for grant of bail to person apprehending arrest:-

Where any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may,



if it thinks fit, direct that in the event of such arrest, he shall be released on bail.

When the High Court or the Court of Sessions makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person 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 police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of Section 480, as if the bail were granted under that Section.

10. As per the law settled by the Hon'ble Supreme Court, in **Gurbaksh Singh Sibbia Vs. State of Punjab, AIR 1980 SC 1632**, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would also prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-

31. In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order



would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail.

11. The Hon'ble Supreme Court in State Vs. Anil Sharma, (1997) 7SCC 187, held as under:-

6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the Code. In a

case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.

12. Weighing the facts and circumstances of the present case on the anvil of law settled, this Court is of the opinion that the custodial interrogation of the petitioner is very much essential to bring the truth on record and as such, petitioner does not qualify for exercising the extraordinary powers by this Court in his favour. Resultantly, the petition being devoid of any merit is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

10.02.2026
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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