

2026:PHHC:029745



CRM-M-53822-2025 (O & M)

::1::

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(103)

CRM-M-53822-2025 (O & M)

Date of decision: 24.02.2026

(Through VC)

Rajesh Bajaj

..... Petitioner

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate,
with Mr. Shiv K. Sharma, Advocate,
for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

Mr. Maneesh Kumar, Advocate,
for the complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 of BNSS, 2023 is for the grant of anticipatory bail to the petitioner in case FIR No.0204 dated 05.08.2025 under Section 318(4), 336(2), 336(3) and 340 BNS registered at Police Station City South, District Moga.

2. The present FIR came to be registered at the instance of Gurveer Singh and reads as under:-

*To, The Hon'ble Senior Superintendent of Police, Moga.
Subject: Regarding legal action against Rajesh Bajaj, owner of
"The Admission Consultant Immigration Company, Moga", for
cheating me of 15 lakh rupees by luring me with the promise of*

2026:PHHC:029745



CRM-M-53822-2025 (O & M)

::2::

sending me abroad to Canada and by giving me a fake Canadian visitor visa, thereby committing fraud, cheating, and forgery against me. Respected Sir, It is humbly submitted that I, Gurveer Singh, son of Nachhattar Singh, resident of village Chabba, Tehsil and District Ferozepur, am engaged in agriculture. I was desirous of going to Canada. In this regard, I came into contact with said Rajesh Bajaj (Mobile No.: 98158-13001), owner of "The Admission Consultant Immigration Company, Moga", who told me that he would send me to Canada on a visitor visa, for which the expenses would be about 15 lakh rupees. Thereafter, I entrusted my visitor visa file to him. He took my documents and original passport. The agreement was that the money would be given after the visa was issued. A few days later, he told me that my visa had come and I should collect my passport. I went to his office near Old Dana Mandi, Moga, where said Rajesh Bajaj handed me my passport on which a Canadian visitor visa sticker was affixed. Afterwards, as per the promise, I deposited about 11 lakh rupees into the bank account given by him and the remaining 4 lakh rupees I paid in cash. Thereafter, he gave me my Canada ticket and hotel booking. After receiving the ticket, I went to the airport at New Delhi, where the airline officials stopped me and gave me a letter and sent me back (copy attached herewith). About 20 days later, the Canadian Embassy at New Delhi summoned me. I also received an e-mail regarding this, which was handed over to me by said Rajesh Bajaj in his office, telling me that they had appealed to the Embassy and I should appear at the Embassy office, New Delhi, for an interview. Accordingly, I went to the Canadian Embassy, New Delhi, at the appointed time, where during my interview the Embassy Officer told me that the documents attached in my file were fake. They

2026:PHHC:029745



CRM-M-53822-2025 (O & M)

::3::

cancelled the visa on my passport by putting strokes across it and returned the passport to me, which I still possess. Photocopies of the same are attached. Thereafter, when I demanded my money back from Rajesh Bajaj, he flatly refused to return the money and told me to do whatever I wanted, but he would not return the money. Therefore, it is my request that legal action be taken against said Rajesh Kumar, justice be done to me, and my rightful money be returned to me. You will be highly obliged. Yours faithfully, Sd/-Gurveer Singh

3. The learned Senior counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The dispute, if any, is of a civil nature. The FIR had been registered after a period of 09 months. As the petitioner is ready and willing to join the investigation, he be granted the concession of anticipatory bail.

4. The learned counsel for the State alongwith the counsel for the complainant, on the other hand, contend that the petitioner has received a sum of Rs.15 lacs to send the complainant to Canada. However, he attached forged documents while applying for a Canadian Visa for the complainant. The allegations levelled *prima facie* establish the commission of the offences in question. As the investigation is to be taken to its logical conclusion, the custodial interrogation of the petitioner is certainly required and therefore, he is not entitled to the concession of anticipatory bail.

5. I have heard the learned counsel for the parties.

6. The Hon'ble Supreme Court in the case of '**Sumitha Pradeep**

2026:PHHC:029745



CRM-M-53822-2025 (O & M)

::4::

merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the *prima facie* case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

“It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.

Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

*We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. **In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial***

2026:PHHC:029745



CRM-M-53822-2025 (O & M)

::5::

interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

7. A perusal of the FIR would reveal that the petitioner cheated the complainant of Rs.15 lacs by alluring him with the promise of sending him to Canada. However, it was found that the documents attached to his application seeking the grant of a Canadian Visa have been forged and fabricated by the petitioner. Therefore, the offences are *prima facie* established. In order to take the investigation to its logical conclusion, the custodial interrogation of the petitioner is certainly required. Therefore, he is not entitled to the grant of anticipatory bail.

8. In view of the above discussion, I find no merit in this petition and the same stands dismissed.

2026:PHHC:029745



CRM-M-53822-2025 (O & M)

::6::

9. Interim order dated 23.09.2025 stands vacated. The Registry is directed to send an intimation in this regard to the Trial Court forthwith.
10. However, it is made clear that the observations made in this order are only for the purpose of deciding this bail application and the Trial Court is free to adjudicate upon the matter on the basis of the evidence led before it uninfluenced by any such observations made.
11. The pending application(s), if any, shall stand disposed of accordingly.

February 24, 2026
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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