IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

204 CRM-M-53971-2025 (O & M)
Date of decision: 11.02.2026

GURJANT SINGH HARI
...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER ...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Gaurav Vir Singh Behl and
Mr. Jugraj Singh Chouhan, Advocates for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

Mr. Jai Bhagwan, Advocate for the complainant.

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed under Section 482 of BNSS for grant of anticipatory bail to the petitioner in case FIR No.120 dated 22.11.2024, registered at Police Station Sadar Ahmedgarh, District Malerkotla, under Sections 420 and 120-B IPC and Section 24 of the Emigration Act, 1983.

2. Learned counsel contends that the petitioner is not the main accused and the amount was received by co-accused, Balbir Singh, who has since been granted regular bail by this Court, vide order dated 07.11.2025. The petitioner was neither directly involved in arranging the visa nor in any independent dealings with the complainant's son. The entire dispute is civil in nature.

Moreover, he has returned an amount of Rs.11 lakh, and as such, prays for grant of anticipatory bail.

3. On the other hand, learned State counsel assisted by learned counsel for the complainant submits that there are specific allegations against the petitioner of having received Rs.19,64,926/- alongwith co-accused, at his own travel agency at Malerkotla, namely, “Khalsa Global”, situated near Jarg Chowk. He also executed a notarized affidavit dated 27.07.2023 acknowledging receipt of Rs.18 lakh and undertaking either to send Tinkush to New Zealand or to refund the amount, however, the latter was not sent abroad and forged and fabricated documents, including fake visa, air tickets and hotel bookings, were provided by him to mislead the complainant. Challan has been presented against a co-accused, who was granted regular bail. He states that thorough investigation still needs to be conducted for which, custodial interrogation of the petitioner is required.

4. Heard.

5. It would be apposite to refer to para 9 of short reply by way of affidavit of the Deputy Superintendent of Police, Sub Division Ahmedgarh, District Malerkotla, dated 06.11.2025, which reads thus:

> “9. Role of the Petitioner:
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> The petitioner Gurjant Singh Hari was the principal and active participant in the commission of the present offence, having masterminded a fraudulent scheme under the pretext of sending the complainant's son Tinkush Verma to New Zealand for employment. Gurjant Singh, son of Hari Singh, resident of village Bhulapur, District Malerkotla, introduced himself to the complainant Ramesh Kumar of village Bhurthala Mandair as a person engaged in the business of sending youths abroad and claimed to be running a travel agency named "Khalsa Global" situated near Jarg Chowk, Malerkotla, exploiting the

trust and acquaintance between the families, Gurjant Singh, along with his co-accused Balvir Singh and Sunita Rani, deceitfully represented that they could arrange a genuine visa and employment for Tinkush in New Zealand. Believing their false assurances, the complainant transferred several amounts to Gurjant Singh's HDFC Bank Account No. 50100125806421 - Rs.50,005/- and Rs.49,905/-on 14.12.2022, Rs.1,10,011/-on 30.12.2022, and Rs.1,00,005/-on 03.02.2023 - besides issuing a cheque of ₹1,55,000/- to Sunita Rani's Axis Bank Account No.922010029742211 on 16.03.2023, and further paid Rs.15,00,000/- in cash at the office of Gurjant Singh and Balvir Singh at Malerkotla, making a total of about Rs.19,64,926/-. Despite receiving the full payment, Gurjant Singh failed to send Tinkush abroad and instead provided forged and fabricated documents, including fake visas, air tickets, and hotel bookings, to mislead the complainant. Later, he executed a notarized affidavit dated 27.07.2023 (Certificate No. IN-PB23286353831973V) before Notary Vishva Jyoti Rikhi, Malerkotla, acknowledging the receipt of ₹18,00,000/- and undertaking either to send Tinkush to New Zealand by 27.08.2023 or to refund the amount, but he wilfully failed to do either. His actions reveal a clear and deliberate intention to cheat and defraud the complainant by obtaining money through deception and misrepresentation. The entire sequence of events, from the false promises to the misappropriation of funds and fabrication of documents, establishes that Gurjant Singh played a dominant and conscious role in the offence, acting in collusion with his co-accused, thereby rendering him liable under Sections 420, 406, and 120-B of the Indian Penal Code for cheating, criminal breach of trust, and criminal conspiracy."

6. In **State represented by the C.B.I. vs. Anil Sharma,** 1997(4) R.C.R.(Criminal) 268, Hon'ble the Supreme Court had observed that in cases where serious allegations have been alleged and the truth needs to be elicited from the accused, the same can only be done through the custodial interrogation.

7. Hon'ble the Supreme Court in **P. Chidambaram vs. Directorate of Enforcement**, (2019) 9 SCC 24, had observed that, "Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 CrPC is an

extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of the accusation; possibility of applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy."

8. Hon'ble The Supreme Court in **Sumitha Pradeep vs. Arun Kumar C.K.**, 2022 SCC OnLine SC 1529, observed that requirement of custodial interrogation is not the only ground to decide the grant of anticipatory bail. The relevant para reads thus:

> "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 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 anticipatory bail. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail."

9. Hon'ble The Supreme Court in **Siddharam Satlingappa Mhetre vs. State of Maharashtra**, (2011) 1 SCC 694, while expounding the law on anticipatory bail relied on the parameters evolved by the Constitutional Bench in **Gurbaksh Singh Sibbia vs. State of Punjab**, (1980) 2 SCC 565 and held thus:

> "i. The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;
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> ii. The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence;
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> iii. The possibility of the applicant to flee from justice;
>
> iv. The possibility of the accused's likelihood to repeat similar or the other offences.
>
> v. Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.
>
> vi. Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people.
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> xxx xxx xxx"

10. Even otherwise, the petitioner has not been able to show absence of a *prima facie* offence so as to warrant the extraordinary relief of anticipatory bail, as held by Hon'ble the Supreme Court in **Salochna Pardi vs. State of Madhya Pradesh and another**, SLP Crl. No. 18200-2025, vide judgment dated 06.01.2026.

11. The submission of learned counsel that the petitioner has returned an amount of Rs.11 lakh, does not persuade this Court in view of the judgment

in **Ramesh Kumar vs. State (NCT of Delhi)**, (2023) 7 SCC 461, wherein Hon'ble the Supreme Court has held that the willingness of an accused to make payment, or to return a part of the alleged amount, cannot form the basis for grant of bail, as it creates an impression that bail can be secured by agreeing to repay the money allegedly involved, which is contrary to the object and intent of the provisions governing grant of bail.

12. It is manifestly clear that anticipatory bail is not a right that may be granted in every other case. The Court has to take into consideration all the facts and circumstances and after its utmost satisfaction, grant it only in exceptional circumstances, where all the factors and parameters are met and there is no possibility of him interfering in the path of justice.

13. In the case at hand, there are specific and grave allegations against the petitioner of having received Rs.19,64,926/-, alongwith co-accused on the pretext of sending the complainant's son abroad, but failed to honour his commitment and instead supplied forged and fabricated documents, including fake visas.

14. Considering the above in light of the foregoing judgments, this Court finds that the element of criminality cannot be ruled out and couching the petitioner in a comparative safety of pre-arrest bail will impede the thorough and effective investigation, stated to be still underway, to elicit the truth as it may leave many loose ends and gaps. Moreover, his custodial interrogation is also imperative to unearth the *modus operandi*.

15. In view of the foregoing discussion, the present petition is hereby dismissed, being sans merit.

16. The observations made hereinabove are meant only for the purpose of deciding the present petition and in no manner are to be construed as an expression of opinion on the merits of the case.

11.02.2026 **(AMAN CHAUDHARY)**
parveen kumar **JUDGE**

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