

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

220

CRM-M-56260-2025

Date of decision: 18.02.2026

Balwinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Ms. Ramanjit Kaur, Advocate for the petitioner (through V.C).

Mr. Gautam Thapar, Sr. DAG, Punjab.

AARADHNA SAWHNEY, J (ORAL)

1. Petitioner, an accused in case FIR No.111 dated 25.07.2024 under Sections 420,406,120-B IPC and Section 13 of Punjab Travel Professionals Regulation Act, Police Station Lehra, District Sangrur, has prayed for grant of regular bail.

2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

Sukhveer Singh, son of Pillu Singh @ Nachhatar Singh set criminal law in motion by filing a complaint alleging therein that he and his brother have been duped of Rs.31,00,000/- on the pretext of sending them abroad. Complainant further pointed out that on 09.09.2022, co-accused Rajinder Singh @ Jinder @ Arman introduced him and his brother to Daljit Singh @ Dulla who assured them that he sends people abroad and will send both of them to America. Entire deal was struck at Rs.35 lacs. Complainant has also referred to various documents including video call record etc, in support of his contention that repeated assurances were given by the accused party. He also elaborated upon the mode through which payment was made to accused. When after receiving huge sum of money, accused party started delaying the matter on one pretext or the other, he and his



brother became suspicious. When they made inquiries, they came to know that these people are habitual of extracting money from innocent persons, who are desirous of going abroad by extending false promises to them. Primarily with this backdrop, he requested the police Authorities to catch hold of all those, who are involved in this racket and also initiate appropriate proceedings against them. Said complaint was inquired into by the Investigating Agency of the State and it was found that though eight persons had been named in the FIR, but only 04 were found involved. Since name of the petitioner and the role played by him was highlighted in the complaint and the allegations levelled against him was found to be prima facie true, he was also arrayed as one of the accused and was arrested on 24.10.2024. He has been in custody since then.

3. Learned counsel for the petitioner appearing through V.C. contends that the petitioner has been falsely implicated in the present case. There is nothing on record to suggest that he had even remotely assured or induced complainant and his brother and had extended false promises to them. Falsity of the case set up against the petitioner by the complainant party is apparent from the fact that no money either in cash or through bank transaction was made to present petitioner. It is further the submission of learned counsel that investigations in the present case are complete, for challan has been filed but since out of 20 cited prosecution witnesses, none has been examined, thus likelihood of completion of trial in the near future is quite remote, hence further incarceration of the petitioner would not serve any useful purpose. Attention of this Court has been drawn to order dated 19.02.2025 (Annexure P.3) passed by the Coordinate Bench of this Court in CRM-M-8353-2025 vide which co-accused Daljeet Singh @ Dulla to whom money had in fact, been handed over, was granted the concession of bail, therefore, prayer for allowing the petition has been made.

4. Per contra, learned State counsel while opposing the prayer contends that the petitioner is one of the active members of the group, which is involved in



such like frauds. Another criminal case of like nature is registered against him. In para 5 of status report dated 15.12.2025, details of money transactions in the account of various accused either through bank transaction or in cash, have been elaborated upon, wherein number of petitioner is missing. Dismissal of the petition has been prayed for.

5. I have heard the learned counsel for the parties and have gone through the documents on record.

6. In the present case, petitioner was arrested on 24.10.2024 and has been in custody since then. As per investigation, there is nothing on record to suggest that the petitioner received any amount either by way of cash or bank transaction. When appreciated in the light of the facts that have been brought on record and taking into account the role attributed to the petitioner, the Court is of the opinion that no useful purpose would be served by his further detention, as the same, without the prospect of trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial and would, thus, also be against the principle of "Bail is a general rule and incarceration is an exception" as held by Hon'ble Supreme Court in **Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.**

As regards the submission of learned State counsel with respect to the questionable past antecedents of the petitioner is concerned, suffice it would be point out that as per settled law, bail application of the petitioner can solely not be rejected on the ground that he is involved in another case.

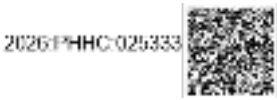
7. In the light of the submissions advanced by learned counsel for the petitioner, the fact that petitioner has been in custody since 24.10.2024 and completion of trial is likely to take some time, the Court is of the opinion that further incarceration of petitioner would not serve any useful purpose. Resultantly,



petitioner is granted the concession of bail subject to his furnishing bail/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

8. Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.



In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

18.02.2026
manoj

(AARADHNA SAWHNEY)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No