

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:043412



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CRM-M-56147-2025 (O&M)
Date of decision:18.03.2026

Baldev Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Prateek Pandit, Advocate for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. Fresh power of attorney on behalf of the petitioner has been filed and the same is taken on record.
2. The instant petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in case arising out of FIR No.48 dated 06.07.2023, registered under Sections 406, 420, 120-B of IPC at Police Station Talwandi Sabo, District Ferozepur.
3. The aforementioned FIR was registered on the basis of statement recorded by complainant – Akshay Kumar, alleging that the petitioner, who was working as a travel agent had struck a deal with him to send him to Canada by getting a visa issued against him on payment of an

amount of Rs.12 lakhs, half of the which was agreed to pay by the complainant after issuance of visa and remaining after reaching Canada. Initially, an amount of Rs. 2.40 lakhs was transferred in the bank account of accused Kulvir Singh on the asking of the petitioner and thereafter an amount of Rs.6.47 lakhs was transferred in the bank account of the petitioner. With an intent to cheat the complainant and to dupe of his money, the petitioner had provided him a forged visa, dummy hotel bookings and a fabricated travel ticket. The complainant on coming to know about this fact, demanded his money back but to no avail. As such, he prayed for taking action in the matter.

4. After registration of the FIR, investigation proceedings were initiated. The petitioner was arrested on 24.07.2025. Investigation now stands completed.

5. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since long. The ingredients for commission of subject offences are not at all attracted against him. The dispute between the parties is of civil nature which has been given a criminal colour. The trial will take considerable time to conclude. No useful purpose would be served by detaining him in custody any more. It is, therefore, argued that the petition deserves to be allowed.

6. Per contra, learned State counsel while relying upon the status report has vehemently argued that the allegations against the petitioner are serious in nature. He is a habitual offender as two more cases of similar nature are pending against him. There are chances of his absconding or committing similar offences, if extended benefit of bail. It is, therefore,

stressed that the petition does not deserve to be allowed.

7. This Court has considered the rival submissions.

8. The petitioner is alleged to have cheated the complainant by causing wrongful loss of an amount of Rs.8.87 lakhs on the pretext of sending him to Canada. He is further alleged to have provided fake visa and tickets etc. to the complainant. The allegations make out a *prima facie* case for commission of the subject offences as against him. However, he has now remained in custody for a period of over 02 years and 04 months. The trial is likely to take considerable time to conclude. As such, no fruitful purpose would be served by detaining him in custody anymore. The subject offences are triable by the Magistrate. Though, he is shown to be involved in some other cases, he cannot be held dis-entitled to the benefit of bail due that reason only. It is well settled proposition of law that bail is the rule and jail is an exception and the pre-trial incarceration should not be a replica of post conviction sentencing. The object of jail is to secure appearance of the accused during trial and it cannot be punitive or preventive. There is nothing on record to show that the petitioner may abscond or commit similar offences.

9. In view of the discussion as made above, this Court is of the considered opinion that a case for release of the petitioner on bail is made out. Accordingly, the petition is allowed and the petitioner is directed to be released on bail subject to his furnishing personal bonds as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned. The petitioner shall, however, keep the trial Court informed about any change in his residential address and his mobile number. He will

keep his mobile phone active round the clock. He will also remain present before the trial Court on each and every date of hearing, failing which it shall be taken as misuse of the concession of bail. Similarly, if the petitioner is found involved in any other case of similar nature, that will amount to misuse of concession of bail and in that event, it shall be open to the State to apply for cancellation of bail without further reference to this Court.

10. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

11. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

18.03.2026

harjeet

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

(MANISHA BATRA)
JUDGE