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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision :12.03.2026

JAIPAL SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sukhvir Singh Tiwana, Advocate
for the petitioner(s).

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

Mr. Kanwar Abhay Singh, Advocate
for respondent No.2.**JASJIT SINGH BEDI, J. (ORAL)**

The prayer in the present petition under Section 528 read with Section 483 of BNSS, 2023 is for setting aside the order dated 05.08.2024 (Annexure P-9) vide which the application dated 03.06.2024 (Annexure P-7) of the father of the petitioner for cancellation of the anticipatory bail granted to respondent No.2 has been dismissed by the Trial Court.

2. The present FIR came to be registered at the instance of Bhola Singh S/o Joginder Singh and the same reads as under:-

“Copy of the Order PGD ID 284555 Dated: 02.1.2024, Complaint by Bhola Singh aged about 47 Years son of Joginder Singh resident of Changli, Tehsil -Dhuri, District-Sangrur, against Harwinder Singh alias Satnam Singh son of Babu Singh, Jagpal Singh son of Harwinder Singh alias Satnam Singh and Harjot Kaur alias Jot daughter of



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Harwinder Singh alias Satnam Singh, resident of Brahmpura, Tehsil Raikot, District Ludhiana, under section 420,406,120-B IPC, has been received, by hand, in the Police Station for registration of a case the Subject matter of which is as follows:- "Copy of the original Complaint :- To, The, SSP, Sangrur. Complaint for taking strictest legal action against Satnam Singh alias Balwinder Singh (M.No: +91-70095-12256) son of Babu Singh, Paramjit Kaur alias Gurmit Kaur (M.No: +91-94646-14352) wife of Satnam Singh alias Balwinder Singh, Jagpal Singh (M.No: +91-99145- 95005) son of Satnam Singh alias Balwinder Singh, Harjot Kaur alias Jot M.No: 91-73474-14351,62833-48517) daughter of Satnam Singh alias Balwinder Singh resident of Brahmpura, Tehsil Raikot, District Ludhiana, for cheating the complainant in connivance with each other for an amount of Rs. 21,00,000/- on the pretext of sending Jaipal Singh son of the complainant to America and for betraying, holding out threats of killing to the complainant and complaint for recovering the amount taken fraudulently. SIR, I Bhola Singh aged about 47 years son of Joginder Singh resident of Changli, Tehsil Dhuri, District Sangrur, Punjab, Bharat, humbly submits here as under:- 1) That I am the resident of the above noted address and am a peace loving citizen and do agriculture. 2) That I have one son Jaipal Singh and one daughter Kiranjit Kaur. 3) That my above said son is 10+2 pass and is unemployed and was wishing to go abroad and work there. 4) That Satnam Singh alias Balwinder Singh (M.No: +91-70095-12256) son of Babu Singh, Paramjit Kaur alias Gurmit Kaur (M.No: +91-94646-14352) wife of Satnam Singh alias Balwinder Singh, Jagpal Singh (M.No: +91-99145- 95005) son of Satnam Singh alias Balwinder Singh, Harjot Kaur alias Jot (M.No: 91-73474-14351,62833-48517) daughter of Satnam Singh alias Balwinder Singh resident of village Brahmpura, Tehsil Raikot, District Ludhiana, are my distant relatives. 5) That in April 2023 Satnam Singh alias Bawinder Singh and his family came



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to our village Changli. Tehsil Dhuri, District Sangrur and told us that their daughter Harpreet Kaur is settled in America and if Jaipal Singh wants to go to America then she can get him settled there too. 6) That because of the relations we trusted their words and they informed us that for this purpose you have to spend total Rs. 30,00,000/-.7) That on seeing the eagerness of my son Jaipal Singh we said yes for sending Jaipal Singh and they received all the papers of Jaipal Singh and we started arranging the amount. 8) That as per the asking of the above said Satnam Singh and his family members we transferred an amount of Rs. 9,00,000/- through RTGS on 07-06-2023 from the SBI bank account no. 65108296844 Branch Katro, of Jaipal Singh to the HDFC bank account no 50100201503252 Branch Ahmedgarh of Harpreet Kaur and on this transaction expenses of 4,720/- was incurred, the photo copies of which are annexed along with and on the same day another amount of Rs. 6,00,000/- was transferred in the same above said account from the above said account of Jaipal Singh therefore in this way an amount of Rs. 15,00,000/- was transferred on 07/06/2023 in the account of Harpreet Kaur daughter of Satnam Singh who was living in America. 9) Apart from the above said amount, in order to pay the rest of the amount we, on 07/07/2023, withdrew an amount of Rs. 2,00,000/- from the account no. 65108568059 SBI Branch Katron of my Daughter Kiranjit Kaur by way of Cheque No. 50333 and on the same day withdrew an amount of Rs. 20,000/- then again an amount of Rs. 20,000/- from ATM at Sherpur and on 08/07/2023 again withdrew an amount of Rs. 20,000/- then again an amount of Rs. 20,000/- from ATM, the photostate copies of which are annexed along with. Apart from this on 07/07/2023 Jaipal Singh withdrew an amount of Rs. 3,00,000/- by way of a cheque no. 98159 from his account no. 65808296844 and thereafter Jaipal Singh from his own account three times withdrew Rs. 10,000/- and then withdrew Rs. 20,000/- in cash and apart from the above said amount on



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08/07/2023 again twice an amount of Rs. 20,000/- and an amount of Rs. 10,000/- were withdrawn and apart from this on 07/07/2023 an amount of Rs. 3,20,000/- was taken in cash on credit from the commission agent Sukhdev Singh son of Nathu Ram resident of Dhuri and were paid in cash to the above said accused on 08/07/2023 at changli in the presence of Jagroop Singh son of Hakam Singh resident of Changli and Jaswinder Singh son of Bant Singh resident of Changli and on that day the above said accused came to village Changli on Varna Car No. PB32Q4032 and the documents with regard the above said amounts are annexed along with. 10) That after receiving the above said amount of Rs. 25,00,000/- the above said accused keep on making us believe that very soon Jaipal Singh will be called to America by Harpreet Kaur and in this regard audio recordings of the mobile phone are available with us and would be produced at the time of the investigation. 11) That when after an about one and a half month elapsed and we did not receive any papers from Harpreet Kaur to send Jaipal Singh to America then in the last week of August 2023 the above said accused told me that Harpreet Kaur has expired in America on 19/08/2023 and now there second daughter Harjot Kaur would go to America and she would call Jaipal Singh to America. 12) That thereafter Harjot Kaur alias Jot also went to America but the above said accused neither sent Jaipal Singh to America nor did they return the above said amount received by them fraudulently. 13) That upon our repeatedly asking for our above said money from the above said accused then they during the period Dated: 20/11/2023 and 23/11/2023 transferred an amount of Rs. 4,00,000/- through Jagpal Singh in the account of Jaipal Singh but the accused did not return 21,00,000/- Rs. (Photostat copy of the account statement is enclosed along with). 14) That upon our repeatedly asking for our above said money from the above said accused they kept on assuring us that they would return the money but they did not return our money and in this regard



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we have the record of the audio call and in this regard pen drive would be produced during investigation. 15) That as written above Satnam Singh alias Bawinder Singh (M.No: +91-70095-12256) son of Babu Singh, Paramjit Kaur alias Gurmit Kaur (M.No: +91-94646-14352) wife of Satnam Singh alias Balwinder Singh, Jagpal Singh (M.No: +91-99145-95005) son of Satnam Singh alias Balwinder Singh, Harjot Kaur alias Jot (M.No: 91-73474-14351,62833-48517) daughter of Satnam Singh alias Balwinder Singh resident of Brahmpura, Tehsil Raikot, District Ludhiana in connivance with each other and in a planned manner has cheated us for an amount of Rs. 21,00,000/- on the pretext of sending Jaipal Singh whereas I and my family are under debt and are passing through the hardest of times. 16) That now when we ask for our money received by them fraudulently and after betraying us they hold out of threats of killing us. 17) That as written above, the accused in a well thought after plan has committed the offence of taking an amount of Rs. 21,00,000/- fraudulently on the pretext of sending Jaipal Singh to America and of cheating us and of holding out threats of killing us. Therefore keeping in view the above said facts strictest legal action be taken against the accused for the commission of the above said offences and the amount received by them fraudulently and cheating us may kindly be got returned back to us and our life and property may kindly be protected. I Will be highly grateful to you. Yours faithfully. LTI Bhola Singh aged about 47 years son of Joginder Singh resident of village Changli, Tehsil Dhuri, District Sangrur. Mobile Number +91- 99147-44136, 95920-05330.”

3. Pursuant to the registration of the FIR, a compromise was arrived at. The statement of Harwinder Singh alias Satnam Singh S/o Babbu Singh one of the accused is as under:-



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“Statement of accused Harwinder Singh son of Babbu Singh resident of village Brahmipur, Saddar Raikot, Ludhiana Rural.

On SA

Stated that compromise has been effected between me and the complainant and applicant. I agree to pay Rs.13,00,000/- to the Jaipal Singh son of complainant in two installments. I would make the first installment of Rs.6,00,000/- upto 31.05.2024 and I would make the second installment of Rs.7,00,000/- on or before 30.11.2024. I shall remain bound by my statement. As per compromise, the FIR in question is to be quashed or compounded before the police and complainant be bound to do so. In case I fail to make the payment as per compromise then I have no objection if the bail is cancelled

RO & AC

(Kawaljit Singh)

ASJ/JSC/Sangrur

08.05.2024”

The statement of Jagpal Singh S/o Harwinder Singh alias Satnam Singh is as under:-

“Statement of Jagpal Singh son of Harwinder Singh son of Babbu Singh, resident of village Brahmampur, Sadar Raikot, Ludhiana Rural.

On SA

Stated that I am bound by the statement of my father namely Harwinder Singh given in his bail application.

RO & AC

(Kawaljit Singh)

ASJ/JSC/Sangrur

08.05.2024”

The joint statement of Bhola Singh S/o Joginder Singh and Jaipal Singh S/o Bhola Singh is as under:-



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“Joint statement of Bhola Singh son of Joginder Singh and Jaipal Singh both residents of village Changli, Tehsil Dhuri, District Sangrur.

We have heard the statement of applicant Harwinder Singh and same is correct. Compromise has been effected between the parties. We have no objection if bail application is accepted and for the compounding of offence in question or quashing of FIR in question.

RO & AC

(Kawaljit Singh)

ASJ/JSC/Sangrur

08.05.2024”

4. Based on the aforementioned statements, Jagpal Singh was granted the concession of interim anticipatory bail vide order dated 08.05.2024 (Annexure P-5) passed by the Addl. Sessions Judge, Sangrur. The said interim order was confirmed by a subsequent order dated 15.05.2024 (Annexure P-6) passed by the Addl. Sessions Judge, Sangrur.

5. When Jagpal Singh (respondent No.2) S/o Harwinder Singh alias Satnam Singh and Harwinder Singh alias Satnam Singh S/o Babbu Singh did not adhere to the compromise and return the money to the petitioner, who is the son of the original complainant/Bhola Singh (deceased), an application for cancellation of the bail granted to accused Jagpal Singh was filed on 03.06.2024 (Annexure P-7). A reply thereto was submitted by Jagpal Singh on 24.07.2024 (Annexure P-8). The said application for cancellation of bail was dismissed by the Court of Addl. Sessions Judge, Sangrur on 05.08.2024 (Annexure P-9).

6. This order has been challenged in the present petition by the petitioner.

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7. The learned counsel for the petitioner/aggrieved person contends that on the pretext of sending him abroad, his father Bhola Singh had paid a sum of Rs.25 lakhs to the accused persons. As he was not sent abroad, they sought a refund. Rs.4 lakhs was returned but Rs.21 lakhs was retained by the accused. The FIR was registered pursuant to which a compromise was arrived at wherein the accused undertook to return the said amount. Based on the said compromise, anticipatory bail was granted to them. However, when they did not adhere to the terms of the compromise, an application was filed for cancellation of the bail which application has been dismissed. He contends that the said application has only been dismissed on one ground that the respondent No.2/accused had not misused the concession of bail once granted. What has not been considered by the said Court is that anticipatory bail itself was obtained by playing a fraud not only the petitioner but also on the Court inasmuch as the accused had undertaken to repay the entire amount but on being granted bail refused to do so. Therefore, the bail granted to respondent No.2 be cancelled and he be committed to custody.

8. On the other hand, the learned State counsel while supporting the case of the petitioner contends that as the accused persons have not adhered to the terms of the compromise, bail granted to them is liable to be cancelled.

9. The learned counsel for respondent No.2 has not disputed the factual position regarding the registration of the FIR, the statements made in Court regarding the compromise as also the fact that no money

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has been refunded to the petitioner in terms of the compromise. He however, contends that pursuant to the grant of bail, respondent No.2 has not misused the said concession and therefore, the present petition is liable to be dismissed.

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

11. Admittedly, the aforementioned FIR was registered against the respondent No.2 and his co-accused. Obviously, when the Court was not inclined to grant the concession of anticipatory bail to respondent No.2 and his co-accused, a settlement has been arrived at. As per the terms of the settlement, a sum of Rs.13 lakhs was to be paid failing which bail granted could be cancelled. The accused did not pay the settled amount leading to the petitioner to file an application for cancellation which has been dismissed. A perusal of the said order would reveal that the application has been dismissed only on account of the fact that the Court has come to the conclusion that the respondent No.2/accused had not misused the concession of bail once granted. The Court has not considered the fact anticipatory bail itself was granted by way of playing a fraud not only on the petitioner but also on the Court. Apparently, if the accused persons had not effected a compromise the Court would not have granted the concession of anticipatory bail. Therefore, the reasoning adopted by the Court of Addl. Sessions Judge, Sangrur while deciding the application for cancellation of bail appears to be fallacious. It is a clear case wherein not only have the accused persons cheated the petitioner and his father but have played a

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subsequent fraud not only with the petitioner and his father but also with the Court by obtaining anticipatory bail on the pretext of effecting a settlement.

12. In view of the aforementioned discussion, I find considerable merit in the present petition. Therefore, the interim order granting anticipatory bail to respondent No.2/Jagpal Singh dated 08.05.2024 (Annexure P-5), the final order dated 15.05.2024 (Annexure P-6) and the order dated 05.08.2024 (Annexure P-9) whereby the application seeking cancellation of bail of respondent No.2 has been dismissed, stand quashed. Respondent No.2/Jagpal Singh is directed to surrender immediately.

13. Intimation of this order be sent to the SSP, Police District Ludhiana Rural for further necessary action.

(JASJIT SINGH BEDI)
JUDGE

12.03.2026

JITESH

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