2026:PHHC:015627

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

CRM-M-57292-2025
Date of Decision: 02.02.2026

Jasbir Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. R.K. Kachura, Advocate
for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

Mr. Prateek Sodhi, Advocate
for the complainant.

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AARADHNA SAWHNEY, J. (ORAL)

1. Petitioner, co-accused in case FIR No.147 dated 04.07.2025 registered against him, under Sections 420/406 IPC and Section 13 of the Punjab Travel Professionals (Regulation) Act, at Police Station Subhanpur, District Kapurthala, has filed the petition for grant of pre-arrest bail under Section 482 of BNSS.

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

> *"Gurmeet Singh S/o Mukha Singh, R/o village Dograwal, P.S. Subhanpur, Distt. Kapurthala set the criminal law in motion by filing a complaint pointing therein that on 05.09.2023 Jasbir Singh (petitioner) had agreed to send him(c) abroad. The deal was fixed for Rs.12 lakh. After the travel agent took Rs.12 lakh from him, a written agreement/memorandum was executed. However, on 28.09.2023 he was sent initially to Oman, from there*

to Morocco, from Morocco to Russia and then to Belarus where for about 15 days he(c) and others kept on roaming in the forest, from where they were eventually caught by Belarus Police and was confined in jail for 15 days. Agent Jasbir Singh (P) abandoned him in the said condition. When his family members came to know of his pitiable condition, he was brought back to India. On 29.09.2023, as per complainant Rs.2 lakh and his passport were taken away by Jasbir Singh (P) and his sister Seema wife of Kuldeep Singh. Further as per complainant when he reached Oman on 30.09.2023, aforementioned agent Jasbir Singh, his father Makhan Singh, his wife Sarbjit Kaur visited his house in the village and took Rs.3 lakh more. Rs.1 lakh was deposited in the account of Jasbir Singh (p). It is further the stand of the complainant that after repeated requests by his family members, Jasbir Singh (p), his sister Seema and his parents Makhan Singh and Balvir Kaur met his brother Surjit Singh and father Mukha Singh. In presence of witnesses they assured his family members that he would be sent to Spain. Even at that point in time, they demanded Rs.6 lakh more from the family. The said amount was also handed over to them but they failed to comply with their promise. When he returned back to his native land, agent Jasbir Singh (p) and his family members again assured that they would make another effort to send him abroad. Somehow, he (c) and his family members again got taken in these fake promises. On 14.10.2024, he(c) was called to Delhi but after harassing he was sent back home. With a view to amicably resolve the dispute, a Panchayat was convened where the agent again assured that since the matter is not being settled, one of the boys of the family (Surjit Singh younger brother of complainant) would be sent to Canada. It was also assured that Rs.12 lakh already paid to agent (p) would remain with him and for sending Surjit Rs.6 lakh more was demanded. Thus, in all the matter was settled for Rs.18 lakh.

It is further the stand of the complainant that agent Jasbir Singh through some other agent got issued a Canadian visa for *his brother Surjit Singh, but did not pay the said other agent Rs.12 lakh that had been received by him, consequently, Surjit could not go abroad. Worst still, petitioner and his family members refused to return the passport of both complainant and his brother Surjit Singh. Primarily with this backdrop, the complainant requested the police officials to initiate appropriate legal proceedings against agent Jasbir Singh(p) and all others, who were involved had in this incident where he (c) and his family had been defrauded of Rs.18 lakh. Copy of agreement executed by petitioner admitting having received Rs.12 lakh in lieu of sending complainant abroad was also appended along with the complaint. The complaint was inquired into, during which it came to the notice of the police authorities that Rs.2 lakh which had been handed over to petitioner had been withdrawn by his father from his Punjab National Bank on 14.08.2023. It also came to the notice of the I.O. that Rs.3 lakh were given in cash to Jasbir Singh and Rs.1 lakh was again transferred in his account on 05.10.2023 by complainant's friend Mandip Singh from his account in Bank of Baroda. Police authorities also verified the fact that complainant had been detained by the Belarus police and remained in custody for 15 days. Factum of petitioner having taken the passport bearing No.P5771915 of complainant's brother through another agent was also verified. In the report details of the money withdrawn by complainant and his family members from their bank accounts was also verified. It was further pointed out that though the complainant had moved a similar complaint earlier but during the course of inquiry since he did not appear and also did not place on record any document in support of his allegations, the said complaint was consigned to record room. However, during the present inquiry proceedings complainant and his family members were examined and documents produced by them were got verified. From the documents on record it also emerges that while the aforesaid complaint was being inquired into petitioner appeared and came up with a plea that he had arranged talks with another agent namely Amninder Singh @*

Bittu for sending complainant and his brother abroad. He further stated that substantial money received by him from complainant and his family members, had been handed over to the said agent, which fact could not be verified. Police authorities were of the opinion that in view of agreement executed by Jasbir Singh(p) himself admitting therein Rs.12 lakh from complainant Gurmeet Singh and assuring him (c) to send him abroad as also that if complainant is not sent abroad the money would be returned, allegations against petitioner, who is not a registered travel agent stand proved. Based on the entire material on record formal case vide FIR No.147 dated 04.07.2025 u/s 420/406 IPC and Section 13 of the Punjab Travel Professionals (Regulation) Act, Police Station Subhanpur, District Kapurthala was registered.

3. Apprehending his arrest, the present petitioner moved an application for grant of anticipatory bail before the Ld. Additional Sessions Judge, Kapurthala. The same was dismissed in terms of the order dated 26.09.2025. Aggrieved of which, the present petition has been filed.

4. Learned counsel for the petitioner contends that petitioner, who is not engaged in the immigration business has been falsely implicated in the present case. He had never allured complainant or his family members, nor had assured them to send the boys abroad. It is further the stand of petitioner that no amount was ever received by him except for Rs.1 lakh which was also transferred, in his account much later in some other context.

Learned counsel further contends that the very fact that on an earlier occasion the complaint filed by the complainant was closed by the police officials, indicates that totally false allegations have been levelled and that only by misusing their connections, complainant party was able to be get the present FIR registered on a subsequent complaint filed by them. Further unexplained delay of 08 months in lodging the FIR also suggests that facts have been twisted and a coloured version has been portrayed. Learned counsel next contends that in the garb of the present FIR the only aim/intention of the complainant party is to extract illegal monetary benefits from petitioner. Primarily based on these submissions learned counsel submits that petitioner who is law abiding citizen and is running a clinical laboratory has been unnecessarily dragged in the present case. The real culprits have deliberately not been arrested by police authorities. Nonetheless, being a law abiding citizen, he (p) is willing to join the investigation as and when called for.

5. *Per contra*, while opposing the request for grant of bail, learned State counsel and Ld. counsel for the complaint vehemently contend that the present criminal proceedings were initiated against the petitioner after thoroughly inquiring into the allegations levelled by the complainant. Attention of the Court has also been drawn to the status report filed by the State by way of affidavit of Mr. Karnail Singh, PPS, Deputy Superintendent of Police, Sub-Division Bholtah wherein the entire factual aspects of the case have been elaborated upon. It is the submission of both the learned counsel that petitioner had allured complainant to send him abroad. Initially Rs.2 lakh and his passport were taken by him(p) and his sister Seema. Thereafter, when complainant reached Oman, petitioner again took Rs.3 lakh more from complainant family. That apart, Rs.1 lakh was transferred to the bank account of petitioner by the complainant from his account in Punjab National Bank. In presence of the witnesses, petitioner had assured complainant to send him to Spain. Quite contrary to the assurances, complainant was sent initially to Oman and finally with great difficulty he reached Belarus, where he and others similarly situated as him stayed in forest, unfortunately were caught at the border by the police, remained in jail and only with the intervention of the high ups were able to return to their native land. It is further the submission of both the Ld. counsel that on 14.10.2024, an agreement was executed by petitioner (a

copy of which has been placed on record) wherein he admitted having received money from the family of the complainant and having assured them to send the boys abroad (complainant and his brother). In the said agreement he also assured to send Gurmeet Singh to Delhi. But he (p) even backed out of said agreement. Submission of the learned counsel for the complainant is that if the petitioner was not in which way involved in this entire racket, there was no occasion for him to execute a written undertaking. No document has been placed on the file substantiating that entire amount received by him had been transferred/handed over in the account of Amninder Singh @ Bittu, who according to him is the kingpin of the entire incident. It is towards the end both the learned counsel contends that presence of the petitioner is needed to effect the recovery of the money of the complainant illegally obtained by him (p), to recover his(c) passport, as also to find out as who all are involved in this racket, what is *modus operandi* adopted by them, how many innocent persons have been duped by them. Thus, presence of petitioner is needed for custodial interrogation for the aforesaid purpose. Prayer for dismissing the application has been made.

6. I have heard learned counsel for the parties and carefully perused the documents on record.

7. Before expressing any opinion on the submissions raised by learned counsel of the parties, it would be appropriate to refer to certain judgments of Hon'ble the Supreme Court, wherein the factors to be kept in mind while dealing with an application for grant of anticipatory bail, have been discussed.

It is settled principle that grant of Bail is the rule and jail is the exception. Hon'ble Supreme Court in **"*Gurbaksh Singh Sibbia V. State of Punjab", ((1980) 2 SCC 5)*** held as under:-

"27. It is not necessary to refer to decisions which deal with the right to ordinary bail because that right does not furnish an exact parallel to the right to anticipatory bail. It is, however, interesting that as long back as in 1924 it was held by the High Court of Calcutta in Nagendra v. King-Emperor *[AIR 1924 Cal 476, 479, 480 : 25 Cri LJ 732] that the object of bail is to secure the attendance of the accused at the trial, that the proper test to be applied in the solution of the question whether bail should be granted or refused is whether it is probable that the party will appear to take his trial and that it is indisputable that bail is not to be withheld as a punishment. In two other cases which, significantly, are the 'Meerut Conspiracy cases' observations are to be found regarding the right to bail which deserve a special mention. In K.N. Joglekar v. Emperor [AIR 1931 All 504 : 33 Cri LJ 94] it was observed, while dealing with Section 498 which corresponds to the present Section 439 of the Code, that it conferred upon the Sessions Judge or the High Court wide powers to grant bail which were not handicapped by the restrictions in the preceding Section 497 which corresponds to the present Section 437. It was observed by the court that there was no hard and fast rule and no inflexible principle governing the exercise of the discretion conferred by Section 498 and that the only principle which was established was that the discretion should be exercised judiciously. In Emperor v. Hutchinson [AIR 1931 All 356, 358 : 32 Cri LJ 1271] it was said that it was very unwise to make an attempt to lay down any particular rules which will bind the High Court, having regard to the fact that the legislature itself left the discretion of the court unfettered. According to the High Court, the variety of cases that may arise from time to time cannot be safely classified and it is dangerous to make an attempt to classify the cases and to say that in particular classes a bail may be granted but not in other classes. It was observed that the principle to be deduced from the various sections in the Criminal Procedure Code was that grant of bail is the rule and refusal is the exception. An accused person who enjoys freedom is in a much better position to look after his case and to properly defend himself than if he were in custody. As a presumably innocent person he is therefore entitled to freedom and every opportunity to look after his own case. A presumably innocent person must have his freedom to enable him to establish his innocence.*

28. Coming nearer home, it was observed by Krishna Iyer, J., in Gudikanti Narasimhulu v. Public Prosecutor [(1978) 1 SCC 240 : 1978 SCC (Cri) 115] that: (SCC p. 242, para 1)

"... the issue of bail is one of liberty, justice, public safety and burden of the public treasury, all of which insist that a developed jurisprudence of bail is integral to a socially sensitized judicial process. . . . After all, personal liberty of an accused or convict is fundamental, suffering lawful eclipse only in terms of procedure established by law. The last four words of Article 21 are the life of that human right."

29. In Gurcharan Singh v. State (Delhi Administration)) [(1978) 1 SCC 118 : 1978 SCC (Cri) 41] it was observed by Goswami, J., who spoke for the court, that: (SCC p. 129, para 29)

"29"There cannot be an inexorable formula in the matter of granting bail. The facts and circumstances of each case will govern the exercise of judicial discretion in granting or cancelling bail."

30. In AMERICAN JURISPRUDENCE (2d, Volume 8, p.806, para 39), it is stated:

"Where the granting of bail lies within the discretion of the court, the granting or denial is regulated, to a large extent, by the facts and circumstances of each particular case. Since the object of the detention or imprisonment of the accused is to secure his appearance and submission to the jurisdiction and the judgment of the court, the primary inquiry is whether a recognizance or bond would effect that end."

It is thus clear that the question whether to grant bail or not depends for its answer upon a variety of circumstances, the cumulative effect of which must enter into the judicial verdict. Any one single circumstance cannot be treated as of universal validity or as necessarily justifying the grant or refusal of bail."

Hon'ble the Supreme Court in "***P. Chidambaram vs. Directorate of Enforcement, (2019) 9 SCC 24"***, has observed as under:-

"Grant of anticipatory bail in exceptional cases

69. 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 the applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail....

70. …………………

71. Article 21 of the Constitution of India states that no person shall be deprived of his life or personal liberty except according to procedure prescribed by law. However, the power conferred by Article 21 of the Constitution of India is not unfettered and is qualified by the later part of the Article i.e. "...except according to a procedure prescribed by law". In ***State of M.P. v. Ram KishnaBalothia [State of M.P. v. Ram Kishna Balothia, (1995) 3 SCC 221: 1995 SCC (Cri) 439]****, the Supreme Court held that the right of anticipatory bail is not a part of Article 21 of the Constitution of India and held as under: (SCC p. 226, para 7)*

"7. … We find it difficult to accept the contention that Section 438 of

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the Code of Criminal Procedure is an integral part of Article 21. In the first place, there was no provision similar to Section 438 in the old Criminal Procedure Code. The Law Commission in its 41st Report recommended introduction of a provision for grant of anticipatory bail. It observed:

'We agree that this would be a useful advantage. Though we must add that it is in very exceptional cases that such power should be exercised.'

In the light of this recommendation, Section 438 was incorporated, for the first time, in the Criminal Procedure Code of 1973. Looking to the cautious recommendation of the Law Commission, the power to grant anticipatory bail is conferred only on a Court of Session or the High Court. Also, anticipatory bail cannot be granted as a matter of right. It is essentially a statutory right conferred long after the coming into force of the Constitution. It cannot be considered as an essential ingredient of Article 21 of the Constitution. And its non-application to a certain special category of offences cannot be considered as violative of Article 21. (emphasis supplied)

72. We are conscious of the fact that the legislative intent behind the introduction of Section 438 CrPC is to safeguard the individual's personal liberty and to protect him from the possibility of being humiliated and from being subjected to unnecessary police custody. However, the court must also keep in view that a criminal offence is not just an offence against an individual, rather the larger societal interest is at stake. Therefore, a delicate balance is required to be established between the two rights—safeguarding the personal liberty of an individual and the societal interest. It cannot be said that refusal to grant anticipatory bail would amount to denial of the rights conferred upon the appellant under Article 21 of the Constitution of India.

73. to 76………………………

77. After referring to Siddharam Satlingappa ***Mhetre [Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514]*** *and other judgments and observing that anticipatory bail can be granted only in exceptional circumstances, in* ***[Jai Prakash Singh v. State of Bihar, (2012) 4 SCC 379: (2012) 2 SCC (Cri) 468]****, the Supreme Court held as under: (SCC p. 386, para 19)*

"19. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the

court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the court is prima facie of the view that the applicant has falsely been enroped in the crime and would not misuse his liberty. (See ***[D.K. Ganesh Babu v. P.T. Manokaran (2007) 4 SCC 434: (2007) 2 SCC (Cri) 345], [State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain (2008) 1 SCC 213: (2008) 1 SCC (Cri) 176] and [Union of India v. Padam Narain Aggarwal, (2008) 13 SCC 305: (2009) 1 SCC (Cri) 1].)"***

In ***Nikita Jagganath Shetty @ Nikita Vishwajeet Jadhav vs. The State of Maharashtra and another, 2025 AIR SC 3375****, the Hon'ble Supreme Court held that "Anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner."*

8. Factual aspects of the case leading to the lodging of the FIR have already been noted in para 2 of the order. In view of the submissions made by learned State counsel accompanied by counsel for the complainant, the Court is of the opinion that no case for grant of extraordinary relief of pre-arrest bail is made out in favour of the petitioner, who played a calculated fraud on complainant and his family members by initially assuring them that complainant would be sent abroad and accepted money in lieu thereof. Quite contrary to assurance, complainant was initially sent to Oman from where he finally landed up in Belarus. He and others similarly situated as him(c) were caught and was deported back to India. Even after his return, petitioner by way of written undertaking assured to send him(c) to Italy, did not even abide by the said agreement. Copy of the same is appended along with the case file. It would also be appropriate to point out that during the course of hearing, on the request of learned counsel for the petitioner matter was send to the 'Mediation Cell', for amicable settlement but all in vain.

Needs to be pointed out that the first complaint filed by the complainant had been filed/closed, as he did not appear before the inquiry officer. In his subsequent complaint, he and his family members appeared, tendered documents before the inquiry officer including statement of the accounts, who verified the same. Even petitioner was heard, who could not substantiate his stand that he was just a middleman and in fact the actual kingpin is Amaninder @ Bittu and as has been rightly pointed out by learned counsel for the complainant, it remains inexplicable as to what prompted the petitioner to execute a written undertaking in favour of the complainant admitting his liability, it being not his (P's) stand that the said document is the result of coercion, threat and misunderstanding etc.

In view of discussion, made hereinabove petitioner has not been able to make out a case of exceptional depravity/hardship in his favour, entitling him for the grant of this extraordinary relief of pre-arrest bail.

The petition being devoid of merit, is hereby dismissed.

(AARADHNA SAWHNEY)
JUDGE

02.02.2026
Parveen kumar

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