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(103+183)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-59860-2025

Date of Decision: 19.03.2026

HARJINDER KAUR

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CRM-M-62915-2025

TARSEM SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Mandeep Kumar Dhot, Advocate
for the petitioner in CRM-M-59860-2025.

Mr. Naresh Kumar, Advocate
for the petitioner in CRM-M-62915-2025.

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

Mr. Amandeep Singh Jawandha, Advocate
for the complainant.

JASJIT SINGH BEDI, J.

This order shall dispose of two petitions bearing No.CRM-M-59860-2025 titled as Harjinder Kaur versus State of Punjab and CRM-M-62915-2025 titled as Tarsem Singh Versus State of Punjab as the same are



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arising out of the same FIR. However, for the sake of convenience the facts have been taken from CRM-M-59860-2025.

2. The prayer in the present petitions under Section 483 BNSS, 2023 is for the grant of anticipatory bail in case bearing FIR No.203 dated 21.08.2025 registered under Section 420 IPC at Police Station Bhawanigarh, District Sangrur.

3. The present FIR came to be registered at the instance of Gurmandeep Singh and Rajveer Singh and the same reads as under:-

“Statement of Gurmandeep Singh, son of Harvinder Singh, resident of village Sangeri, Police Station Bhawanigarh, District Sangrur, aged around 29 years, mobile number 98722- 72321, I am a resident of the above address and, along with farming, I also run a dairy business. In the year 2023, Gurdip Singh alias Keeta, son of unknown, resident of village Gharare and currently living in Australia, told me that he had gone to Australia. When I asked him how he managed to go, he said he was sent by Tarsem Singh, son of Mithu Singh, and his residents of wife Harjinder Kaur, village Dhandial. He said that if I also wanted to go, I can contact them. I shared this information with my cousin Rajveer Singh, son of Gurvinder Singh resident of village Sangeri, who then told his sister Sandeep Kaur, and also Dalvir Singh, son of late Sukhwinder Singh, resident of Neel Kanth Colony, Bhawanigarh and we contacted Tarsem Singh and Harjinder Kaur, who a told us that they could send us to Australia on the pretext of participating in tennis tournament. They demanded a total cost of Rs.18 lakhs per person, amounting to Rs.54 lakhs for all three of us. Tarsem Singh and Harjinder Kaur won our trust, and we agreed and then they initially asked for Rs.1 lakh per person as a deposit. On 17-01-2023, Tarsem Singh and



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Harjinder Kaur came to my house and collected Rs.1 lakh cash from me in the presence of Rajveer Singh, which I had borrowed from Jagdeep Singh resident of Janeri. Likewise, they collected money from Sandeep Kaur and Rajveer Singh on separate dates. After that, they kept delaying and giving excuses regarding visas. On 23-08-2023, they again took Rs.35,000 from me, promising to get the visa quickly. Later, they came to my house and showed us e-visas on their laptop that looked completely genuine. They told us that they would collect the remaining amount after booking our tickets. On 28-02-2024, they came again and said my ticket for 02-03-2024 was booked, showed the ticket, and demanded more money. I gave them another Rs.2 lakhs cash in the presence of my uncle Gurpyaar Singh (son of Dayal Singh, resident of Kheri Sahib, Sangrur) and cousin Rajveer Singh, which I had borrowed on interest. Similarly, they took money from Sandeep Kaur and Rajveer Singh after showing fake tickets. On 01-03-2024, when we tried to contact Tarsem Singh and Harjinder Kaur, their phones were switched off. When we went to their house, they were not there. Later, we found out that the tickets and visas shown were fake. When we repeatedly asked them to return our money, they initially kept delaying and later refused. On 10-06-2024, they admitted their mistake and signed a written agreement in the presence of witnesses promising to return our money, but they still have not returned it and are now refusing to do so. Thus, Tarsem Singh and Harjinder Kaur cheated me, Sandeep Kaur, and Rajveer Singh to the tune of Rs.10,85,000 under the false promise of sending us Australia. Appropriate legal action should be taken against them. I have given this statement, which has been read to me and is correct. Signed by Gurmandeep Singh and Rajveer Singh (98551-73961).”



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4. The learned counsel for Tarsem Singh (petitioner in CRM-M-629115-2025) states that the allegations levelled against the petitioner are baseless. There is a delay in the registration of the FIR. In fact, the petitioner is estranged from his wife Harjinder Kaur (petitioner in CRM-M-59860-2025) and therefore, there is no question of both the petitioners committing the offences in question. The petitioner is also not an immigration agent. As he has joined investigation pursuant to the interim order dated 11.11.2025, he be granted the concession of anticipatory bail.

5. The learned counsel for Harjinder Kaur (petitioner in CRM-M-59860-2025) has raised similar arguments and prays that she too has joined investigation in furtherance of the interim order dated 22.10.2025 and therefore, she too is entitled to the concession of anticipatory bail.

6. On the other hand, the learned State counsel along with the learned counsel for the complainant contend that as per the case of the prosecution, the petitioners were to receive a sum of Rs.54 lakhs from the complainants and one Sandeep Kaur with a view to sending them abroad. The victims paid a sum of Rs.10.85 lakhs to both the petitioners in cash and via banking transactions. They were shown fake e-visas and fake tickets. However, when the victims were not sent abroad, the accused undertook to return the money taken by them. However, the said amount was not returned leading to the registration of the FIR in question. As the offences are *prima facie* established and the recovery of the fake e-visas and fake tickets are to



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be effected from the petitioners, they are not entitled to the concession of anticipatory bail, even though they have joined investigation.

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

8. The Hon'ble Supreme Court in the case of ***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr.*** **2022 Live Law (SC) 870** held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the prima facie case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

“It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.

Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused



should be quashed and set aside. 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 custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.

9. As per the case of the prosecution, the petitioners cheated the complainants and one Sandeep Kaur and received a sum of Rs.10.85 lakhs on the pretext of sending the victims to Australia. Fake e-visas and fake tickets were shown to the victims in order to induce them to part with consideration. When the victims were not sent to abroad, the petitioners signed a written agreement promising to return the money which they did not do. The



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offences are *prima facie* established. The custodial interrogation of the petitioners is certainly required to get recovered the fake e-visas and fake tickets which were shown to the victims in order to extract money from them.

10. In view of the aforementioned discussion, I find no merit in the present petitions. Therefore, the same stand dismissed.

11. However, the observations made hereinabove are only for the purposes of deciding these bail petitions and the Trial Court is free to adjudicate upon the matter on the basis of the evidence led before it uninfluenced by any such observations made herein.

(JASJIT SINGH BEDI)
JUDGE

19.03.2026

JITESH

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