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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-67120-2025
Date of decision: 16.01.2026

Sukhwinder Singh @ Sukha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Balbir Singh Jaswal, Advocate
for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

Mr. Abnash Singh, Advocate for the complainant.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (*for short* 'BNSS'), is for grant of anticipatory
bail to the petitioner in FIR No. 185 dated 02.10.2025, registered under
Section 318(4) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and
Section 13 of Punjab Travel Professional Regulation Act, 2014 at Police
Station Beas, Amritsar.

2. The aforementioned FIR was registered on the basis of a written
complaint submitted by complainant Tarsem Singh alleging that the petitioner
was an immigration agent and had induced him to part with a sum of
Rs.1,43,500/- on the premise of sending his son to Dubai on work permit for a
period of two years and securing a job in some mall there on payment of salary

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of 1500-1700 Dirhams. He alleged that his son was sent to Dubai on tourist visa, which was not converted into work visa as promised by the petitioner and his son was ultimately constrained to return to India from Dubai after waiting for a month and by incurring his own expenses. Even his passport was lost. After registration of the FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail, which has been dismissed by the Court of learned Additional Sessions Judge, Amritsar, vide order dated 30.10.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The son of the complainant had concocted a false story of loss of his passport from his roof. He had lodged a complaint with Dubai police and apprehending that action would be taken against him for making a false complaint, he had come back to India. The petitioner is not an immigration agent and was only working under some agent on salary basis. No money whatsoever had been given to him by the complainant. He is not the beneficiary of any transaction. The agent concerned has not even been implicated by the complainant. The ingredients for commission of subject offences are not at all made out. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be granted concession of anticipatory bail.

4. Status report has been filed by the respondent-State. Learned State counsel, assisted by learned counsel for the complainant, who has filed power of attorney today, has argued that there are serious and specific allegations against the petitioner. His custodial interrogation is required for conducting

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thorough investigation in the matter. No exceptional or extraordinary circumstance has been made out in favour of the petitioner for grant of anticipatory bail. It is, thus, argued that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. The petitioner is alleged to have duped the complainant of Rs.1,43,500/- on the pretext of sending his son to Dubai and securing a job for him. However, the son of the petitioner was sent to Dubai on tourist visa instead of work visa, due to which, he had to come back to India. The allegations prima facie make out a case for commission of offence of cheating on the part of the petitioner. His custodial interrogation is required for conducting thorough and proper investigation in the matter. In case his custodial interrogation is denied to the investigating agency, the same will leave many glaring loopholes and gaps adversely affecting the investigation. The powers under Section 482 of BNSS are extraordinary and the same are to be exercised sparingly in exceptional circumstances. 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 applicant fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court has also to see that an order of anticipatory bail should not operate as inroad in the normal legal procedure of criminal cases by the trial Court. The custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 482 of BNSS. The

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Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

16.01.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No