

2026:PHHC:015120



334 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-71463-2025
Date of Decision: 02.02.2026

Seema Devi ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Naveen Batra, Advocate
for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

Mr. Nitin Verma, Advocate
for the complainant.

AARADHNA SAWHNEY, J. (ORAL)

1. Petitioner, an accused in case FIR No.415 dated 19.11.2025 registered against him, under Sections 420/370(2)/120-B IPC and Section 13 of the Punjab Travel Professionals Regulation Act, 2014 at Police Station City Kharar, District SAS Nagar, 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:-

“Paramjit Kaur wife of late Sh. Baljit Singh, R/o House No.32, Aman City Kharar, Distt. SAS Nagar, set the criminal law in motion by filing a complaint pointing therein that after the death of her husband, she is bearing all the household expenses including the money incurred on the education of her two children. According to her(c), in May, 2024, her neighbour Seema Dhiman (p) along with her husband Charanjit Singh and their

associate Sarbjeet Singh @ Sahib met her and stated that now they are engaged in the business of sending desirous persons abroad. She (c) disclosed that she wanted to send her daughter Gurleen Kaur abroad. On this, Seema (p) told her (c) that she would discuss the issue in detail with her husband, (who was residing in Dubai) and friend Sarabjeet Singh and also assured to bring Sarabjeet to her residence. In the last week of May, 2024 she (c) was called by petitioner where she met Sarabjeet Singh. The entire process of sending the young girl abroad was discussed. The deal was finalized at Rs.3,25,000/-. Petitioner also assured her (c) not to worry as Charanjit Singh is settled in Dubai, he would take care and would also arrange for a decent job. After sometime, they (P and Sarabjeet Singh) persuaded her that it would be better if she goes abroad as on account of her work experience, she would be able to fetch a better job. She (c) consulted her children and the family gave their assent for this new proposal. Rs.3,25,000/- were paid to all the accused at the house of present petitioner, which included Rs.25,000/- in cash to Seema. Rs.3,00,000/- were transferred in the account of co-accused Sarabjeet Singh via 'Google-Pay' on different dates. Certain documents were shown to her and her daughter and it was assured that the work permit and Dubai visa would also be arranged for. After being told by the accused persons that the documents are complete, she left for Dubai on 07.07.2024. Quite contrary to the promises extended by petitioner and her associate Sarabjeet Singh, no one came to receive her at the Airport. After waiting for several hours, an unknown person walked up to her, took her away and locked her in an unknown room. Husband of the present petitioner namely Charanjeet Singh also did not meet her either on the airport or when she was kept in captivity. Complainant alleges that she remained confined in the room for three months. Thereafter, some persons taking pity on her plight arranged for an internet access, when she told her entire story to present petitioner and Sarabjeet Singh. Even at that point in time, both the aforesaid persons told her to wait for few more days.

Present petitioner assured that her husband Charanjeet Singh would come soon and would take her home. Once again petitioner and her associate did not abide by their words. An unknown person met her and arranged for a conversation with Sarabjeet Singh when she was told that she would be first taken to Armenia where she would be able to get a decent job. She refused to go to Armenia and pleaded with that unknown person that being a widow, she has two young children to take care of who were totally dependent upon her and would not be able to survive without her and thus begged him to send her back to her native country. The unknown person, further as per complainant, told her that Sarabjeet Singh and petitioner had sold her to some persons who were wanting to take her to Armenia and get her involved in some illegal and immoral activity. With great efforts, her (c) daughter Gurleen Kaur struggled to get her back to India and also filed complaint against Sarabjeet Singh, with the local police officials. Before the local authorities, Sarabjeet Singh and present petitioner Seema admitted their mistake and assured her daughter that they would arrange for a ticket and call her back. However, this time she (c) did not rely on their promises, personally visited Dubai Embassy, got her visa cancelled and returned back to India. Further probe revealed that the documents sent to her relating to the Dubai work permit and visa were also fake. Primarily with this backdrop, petitioner requested the police authorities to catch hold of all those who are involved, as also to initiate appropriate proceedings against them. After the allegations were verified by the police authorities, a formal case vide FIR No.415 dated 19.11.2025 was registered against petitioner and others, under Sections 420/370(2)/120-B IPC and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014 at Police Station City Kharar, District SAS Nagar, was registered.

3. Apprehending her arrest, the present petitioner moved an application for grant of anticipatory bail before the Ld. Additional Sessions Judge, SAS Nagar. The same was dismissed in terms of the order dated

05.12.2025. Aggrieved of which, the present petition has been filed.

4. Learned counsel for the petitioner contends that petitioner a home maker, who is not at all involved in the incident, has been falsely implicated in the present case. In fact, co-accused Surjeet Singh was already known to complainant being a frequent visitor to her house. Thus, her (complainant's) allegation that petitioner introduced her to Sarajbeet Singh is totally incorrect. Further, her plea that she paid Rs.25,000/- to petitioner also remain unsubstantiated. She (c) transferred Rs.3 lakh in account of co-accused Sarabjeet Singh of her own accord, for which the petitioner cannot be held liable; she being not a beneficiary to the incident. Learned counsel next contends that the fact that earlier complainant was wanting to send her daughter abroad, but later she herself went abroad dislodges her allegations of human trafficking for had it been so, the accused party would have insisted to send the young girl abroad. Towards the end learned counsel contends that frivolous allegations have been alleged by complainant only with a view to harass petitioner as also to extract illegal monetary benefit from her. Though the presence of the petitioner is not needed for custodial interrogation, but being a law abiding citizen, she is willing to join the investigation as and when called for. Prayer for allowing the present petition has been made.

5. *Per contra*, while opposing the request of the bail, learned State counsel accompanied by learned counsel for the complainant submits that taking undue advantage of the fact that complainant's husband had died, petitioner and her associate (not arrested till date) played a calculated fraud on her. It was assured to her(c) that she would be sent to Dubai, as also that the husband of the petitioner who is residing in Dubai would arrange for a decent job for her. Somehow complainant got taken in these false assurances. With great difficulty arranged for money. Rs.3 lakh was transferred in the account of

co-accused Surjeet Singh, who is still at large and remaining Rs.25,000/- was given to the petitioner. Contrary to their assurances when complainant landed at Dubai airport, husband of the petitioner did not meet her. After many hours, an unknown person took her from the airport and locked her in a room. She was deprived of basic amenities. After many days she (c) was able to talk to accused Sarabjeet, who started compelling her to go to Armenia. She finally put her foot down, mustered up the courage somehow contacted officials from Dubai Embassy, made them aware of all the facts and requested them to make arrangements to send her back to her native land. Towards the end both, the learned counsel contend that presence of the petitioner is needed to find out as who all are involved in this racket, in which innocent unsuspecting persons are defrauded of their hard earned money by giving them false assurances to settle them in foreign land, how many persons have been duped as also to find out the whereabouts of other accused, who is still absconding. 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 Kishna Balothia [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 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 by falsely assuring her that she would be sent abroad and accepted money in lieu thereof but failed to keep up with the promise. Emotional and physical trauma undergone by complainant has been highlighted by her in her complaint; there being nothing to conclude that complaint was actuated by some malice/ill will etc. Reasons for custodial interrogation of petitioner have also been pointed out by learned State counsel, with which this Court agrees.

Resultantly, petitioner has not been able to make out a case of exceptional depravity/hardship in her favour, entitling her 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