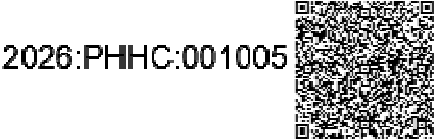


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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Surinder Singh
....Petitioner
Versus
State of Punjab
...Respondent

Date of decision: January 09, 2026
Date of Uploading: January 09, 2026

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Himanshu Bansal, Advocate and
Mr. Puru Gupta, Advocate for the petitioner.

Mr. Gaurav Gurcharan Singh Rai, Senior DAG Punjab.

Ms. Saroj Kumari, Advocate and
Mr. V.K. Kaushal, Advocate for the complainant.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) read with Article 21 of the
Constitution of India, for grant of regular bail to the petitioner in case bearing
FIR No.278 dated 17.12.2024, registered for the offences punishable under
Section 420 of the Indian Penal Code, 1860 (for short ‘IPC’) and Section 13 of
the Punjab Travel Professional Regulation Act, at Police Station Sadar, District
Amritsar.

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2. The gravamen of the allegations against the petitioner is that the petitioner is running an IELTS coaching centre under the name and style of S.S. IELTS Coaching Centre situated at Sukha Singh Mehtab Singh Chowk, Tehsil Batala, District Gurdaspur. It is alleged that the petitioner demanded a sum of ₹10 lakh from the complainant, namely, Kamaljit Kaur, on the assurance of helping her son secure seven bands in the IELTS examination, and further promised to facilitate his migration to Canada for an additional amount of ₹25 lakh. Thus, a total sum of ₹35 lakh was demanded.

On 23.11.2023, the petitioner got ₹1.5 lakh transferred from the complainant's bank account into his own account. Although the petitioner sent the complainant and her son to Pondicherry and Madras to appear for the IELTS examination, the result of the said test has not been declared till date. Thereafter, the petitioner allegedly got ₹7 lakh transferred from the complainant's bank account, ₹3 lakh from the bank account of her husband, and ₹5 lakh from the bank account of her relative, Kuljit Singh, into his own account. In addition, a sum of ₹5 lakh was paid in cash to the accused by another relative of the complainant, namely Sajjan Singh, at her instance. Allegedly, the petitioner received a total amount of ₹20 lakh from the complainant and her relatives. However, till date, he has neither sent the complainant's son to Canada nor provided any information regarding the IELTS examination results.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 19.10.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question as he was merely helping the complainant-side in travelling/ settling abroad. Learned counsel has further argued that in any case, the investigation *qua* FIR in question is

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complete and challan stands presented. Learned counsel has argued that no further effective recovery is to be made from the petitioner. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus, the petitioner does not deserve the concession of the regular bail. He seeks to place on record custody certificate dated 08.01.2026, in the Court today, which is taken on record.

4.1. Learned counsel for the complainant has opposed the grant of regular bail to the petitioner by arguing that there are direct/ serious allegations against the petitioner. Learned counsel has argued that in case, the petitioner is released on bail, there is all likelihood that he may abscond from the process of justice as also interfere with the prosecution evidence.

5. I have heard counsel for the parties and have gone through the available records of the case.

Before delving into the matter further, it would be germane to refer herein the case law governing the issue in hand:

**5.1 Gudikanti Narasimhulu and others vs. Public Prosecutor,
High Court of Andhra Pradesh AIR 1978 SUPREME COURT
429, relevant whereof reads as under:**

“10. The significance and sweep of Article 21 make the deprivation of liberty a matter of grave concern and permissible only when the law authorising it is reasonable, even-handed and geared to the goals of community good and State necessity spelt out in Article 19. Indeed, the considerations I have set out as criteria are germane to the constitutional proposition I have deduced. Reasonableness postulates intelligent care and predicates that deprivation of freedom- by refusal of bail is not for punitive purpose but for the bi-focal interests of justice-to the individual involved and society affected.

11. We must weigh the contrary factors to answer the test of reasonableness, subject to the need for securing the presence, of the bail applicant. It makes sense to assume that a man on bail has a better chance to prepare or present his case than one remanded in

custody. And if public justice is to be promoted, mechanical detention should be close to ours, the function of bail is limited, 'community roots' of the, applicant are stressed and, after the Vera Foundation's Manhattan Bail Project, monetary suretyship is losing ground. The considerable public expense in keeping in custody where no danger of disappearance or disturbance can arise, is not a negligible consideration. Equally important is the deplorable condition, verging on the inhuman, of our sub-jails, that the unrewarding cruelty and expensive custody of avoidable incarceration makes refusal of bail unreasonable and a Policy favouring release justly sensible.

12. A few other weighty factors deserve reference. All deprivation of liberty is validated by social defence and individual correction along an anti-criminal direction. Public justice is central to the whole scheme of bail law. Fleeing justice must be forbidden but punitive harshness should be minimised. Restorative devices to redeem the man, even, through community service, meditative drill, study classes or other resources should be innovated, and playing foul with public peace by tampering with evidence, intimidating witnesses or committing offence while on judicially sanctioned 'free enterprise,' should be provided against. No seeker of justice shall play confidence tricks on the court or community. Thus, conditions may be hung around bail orders, not to cripple but to protect. Such is the holistic jurisdiction and humanistic orientation invoked by the judicial discretion correlated to the values of our constitution."

5.2. Further, the Hon'ble Supreme Court in a judgment titled as **Gurcharan Singh vs. State (UT of Delhi) 1978 (1) SCC 118**, has held as under:

*"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."*

5.3 Furthermore, the Hon'ble Supreme Court in a judgment titled as **Sanjay Chandra vs. CBI (2012) 1 SCC 40**, has held as under:

"21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.

22. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some un-

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convicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, "necessity" is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances."

6. The petitioner was arrested on 19.10.2025 whereinafter investigation was carried out and challan has been presented on 17.12.2025. The culmination of the trial will, but of-course, take its own time. The rival contention raised at Bar give rise to debatable issues, which shall essentially be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, *lest* it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 08.01.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 02 months and 17 days & is not shown to be involved in any other FIR(s).

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.

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- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

January 09, 2026
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No