IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

110 **CRM-M-73491-2025**

Date of decision: 12.01.2026

Jaspal Singh ....Petitioner

V/s

State of Punjab ....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Kamaljeet Kaur, Advocate for
Mr. Davinder Singh Khurana, Advocate for the petitioner.

Mr. Baljinder Singh Sra, Addl. A.G. Punjab.

Mr. Saurabh Bahmani, Advocate with
Mr. Manjinder Singh, Advocate for the complainant.

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SUMEET GOEL, J. (Oral)

1. Present petition has been filed on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail under Section 482 of BNSS, 2023 in FIR No.62 dated 02.06.2025 registered for offences punishable under Section 318(4) of BNS, 2023 (corresponding Section 420 of IPC) at Police Station Singh Bhagwantpur, District Rupanagar, Punjab.

2. The prosecution case, in brief, is that the petitioner – Jaspal Singh represented himself as working in the field of immigration and claimed that he had sent many persons abroad. In the said representation, the petitioner induced the complainant namely Kuldeep Singh, former Sarpanch of village Rajemajra to send his nephew abroad and demanded money on the pretext of arranging a visa for New Zealand. It was alleged that the accused-petitioner first took Rs.50,000/- in cash alongwith the passport and documents, assuring that the remaining amount would be taken after the visa was granted. Subsequently on different occasions, the accused-

petitioner demanded further payments which were made BY the complainant through bank transfers and digital modes in the Axis bank account of the petitioner, including amounts of Rs.28,000/- on 11.09.2024 and Rs.28,000/- in the following month. It has been further alleged that the accused-petitioner sent a purported offer letter and continued to demand money on the basis of which the complainant and his relatives were induced to part with additional amounts. It is alleged that a cash amount of Rs.1,50,000/- was also paid and further payments of Rs.32,000/-, Rs.12,000/- and Rs.18,000/- were made through Paytm on different dates. On the same pretext, the accused-petitioner also induced other victims for sending them to New Zealand. During inquiry conducted by the Deputy Superintendent of Police (HQ), Rupnagar, it was verified that the accused-petitioner had received a total amount of Rs.3,18,000/- from the victims. Despite receiving the aforesaid amounts and documents, the accused-petitioner failed to procure visas for any of the victims. Thereafter, the accused-petitioner stopped responding to their calls and did not return the money, giving rise to allegations of cheating and dishonest inducement. On the recommendation of the inquiry officer, duly approved by the Senior Superintendent of Police, Rupnagar, the present FIR was got registered and investigation ensued.

3. Learned counsel for the petitioner has iterated that the allegations in the FIR are false, concocted and motivated. The petitioner has been implicated at the instance of the complainant, who is an ex-Sarpanch of the village. Learned counsel has further iterated that the monetary transactions between the parties were in the nature of a friendly loan and not for procuring a visa. Learned counsel has further submitted that the

substantial amounts have already been returned by the petitioner i.e. some through bank transfers and some in cash, which facts have already been concealed by the complainant. According to learned counsel, in the absence of substantive and incomplete material, the entire prosecution narrative is nothing but an abuse of process of law. Moreover, it has been argued that the ingredients of Section 318(4) of BNS are not made out as there was no dishonest intention at the inception of the transaction and the dispute is purely civil in nature. It has been further argued that the petitioner has clean antecedents and is willing to fully cooperate with the investigation. Moreover, there is no likelihood of the petitioner absconding from the process of justice or tampering with the prosecution evidence in case he is enlarged on pre-arrest bail. On strength of these submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel (on the strength of advance notice) has opposed the grant of anticipatory bail to the petitioner by arguing that allegations are serious in nature and involve offences of cheating. According to learned State counsel, the petitioner induced the complainant to part with a substantial amount of money on a false pretext of sending his nephew abroad i.e. New Zealand thereby committing a premeditated financial fraud. Learned State counsel has emphasized that the complainant has supported his allegations with details of multiple payments made through bank transfer, digital modes and cash, alongwith handing over of passport and documents. Referring to status report dated 02.01.2026 by way of affidavit of Rajpal Singh Gill, Deputy Superintendent of Police, Rupnagar, District Rupnagar, learned State counsel has submitted that the

petitioner induced not only the complainant but also Sonu Singh, Raman Kumar, Ranjit Singh and Sukhpreet Singh to part with money on the false assurance of obtaining visas for New Zealand. During the inquiry, it has been verified that the petitioner received a total amount of Rs.3,18,000/- from the victims. Furthermore, the evidence collected so far suggests dishonest intention at the inception thereby attracting the provisions of Section 318(4) of BNS and his custodial interrogation may be necessary to trace the money trail, unearth the modus operandi, identify other possible accused persons and effect recovery. Furthermore, learned State counsel has submitted that in case the petitioner is granted the concession of pre-arrest bail, at this stage, it may impede the ongoing investigation. Accordingly, a prayer has been made for the dismissal of the instant petition.

5. Learned counsel appearing for the complainant has vociferously opposed the grant of bail to the petitioner and has made submissions in tandem with the State counsel.

6. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

7. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. The allegations in the FIR, *prima facie*, disclose that the petitioner induced the complainant to transfer substantial amount of money on the assurance of sending his nephew abroad; the FIR contains specific details regarding dates of payment, modes of payment and amounts allegedly paid by the complainant. The mere fact that certain amount was later transferred by the petitioner to the complainant does not, at this stage, conclusively establish that the

transactions were purely in the nature of a friendly loan. Whether the payments were made pursuant to a dishonest inducement or otherwise are a matter which requires thorough investigation and cannot be adjudicated upon at the stage of consideration of plea for anticipatory bail. In the considered opinion of this Court, the offence alleged is not merely of a civil nature but involves criminal intent from the inception as the complainant was deceived into parting with his money under a false pretext. At this stage, the investigation is still underway and the custodial interrogation of the petitioner is essential to trace the financial flow and effect recovery of the siphoned amount. The seriousness of the allegations, the involvement of the petitioner in inducing the complainant as also the money trail weigh heavily against the grant of anticipatory bail to the petitioner.

8. It is settled principle of law that at the stage of considering anticipatory bail, the Court is not required to meticulously examine the defence of the accused. The offences involving allegations of cheating particularly where general public is deceived by on the pretext of sending them abroad is serious in nature and have wider societal ramifications. In such cases, custodial interrogation may be necessary to ascertain the true facts, recover documents and investigate the role of the accused in depth. It is trite law that anticipatory bail is an extraordinary remedy not to be granted as a matter of course, particularly in cases involving heinous offences. While considering anticipatory bail, the Court must strike a balance between the right of the individual to liberty and the need for free, fair and effective investigation. Moreover, the plea that the dispute has civil overtones cannot be accepted at this stage, as the allegations *prima* facie disclose deception

and dishonest intention which constitute the essential ingredients of Section 318(4) of BNS. The investigation is ongoing and to identify the other possible accused persons (if any), this Court does not consider it appropriate to grant anticipatory bail at this nascent stage. In the considered opinion of this Court, granting anticipatory bail to the petitioner at this stage may likely to hamper the on-going investigation. No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR.

9. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interests. The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***, the Hon'ble Supreme Court held as under : (SCC p. 189, para 6)

> *"6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation*

would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in task of disintering offences would not conduct themselves as offenders."

10. Considering the nature and gravity of the allegations, the specific role attributed to the petitioner as also the necessity of custodial interrogation to discover the entire chain of events, recovery of the amount in question and identify the other beneficiaries of the fraud, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand.

11. In view of the prevenient ratiocination, it is ordained thus:

(i) The instant petition is devoid of merits and is hereby dismissed.

(ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

(iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

January 12, 2026
Ajay

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