

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

2025:PHHC:091041



(104)

CRM-M-38956-2025

Date of decision: 23.07.2025

Jaspreet Kaur

...Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Neha Jain, Advocate for the petitioner.

Mr. Gurpartap S. Bhullar, AAG Punjab.

SUMEET GOEL, J.

1. Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') seeking grant of anticipatory bail to the petitioner in case bearing FIR No.008 dated 02.04.2024, registered for the offences punishable under Sections 420, 120-B of IPC and Section 24 of the Emigration Act, at Police Station NRI Moga, District Moga.

2. The gravamen of the FIR in question pertains to defrauding Manjit Kaur wife of complainant Gurpreet Singh son of Balor Singh resident of village Khosa Kotla, District Moga, who was working at Harsimran Boutique, owned by Kehar Singh who told the complainant's wife Manjit Kaur that he and his relatives who are residing at Jagraon are travel agents and arranging visa to send America and they had already sent a number of persons from Punjab to America. Manjit Kaur told about the same to her husband complainant (herein) namely Gurpreet Singh and their relative, namely Lovepreet Singh, residing at Raniye and they further informed about the same to their neighbour Naib Singh, resident of Village Khosa Kotla,

who had been earlier working at Dubai with complainant Gurpreet Singh and he was willing to settle at America and the said Naib Singh further informed about the same to his friend Sandeep Singh. Thereafter, Lovepreet Singh, Naib Singh and Sandeep Singh met Kehar Singh at his boutique in Moga. Kehar Singh made them interact with the petitioner (herein) and other co-accused, who were stated by Kehar Singh to be his relatives and the matter was settled for an amount of Rs. 40 lakh per person for sending them to America with direct flight from Delhi and the payment was agreed to be made upon reaching America. On 06.03.2022, Kehar Singh took Lovepreet Singh, Naib Singh and Sandeep Singh to the petitioner-Jaspreet Kaur, her husband and his sister and they resided their for about 10-12 days at Delhi. Thereafter, the petitioner and other co-accused arranged a flight for the complainant and her relatives while stating that they were heading to America and before boarding the flight, a call was arranged by Sonu, from Naib Singh to his wife, namely Sarabjit Kaur, for payment of an amount of Rs. 20 lakh to the petitioner (herein) and her husband and others, as they were boarding the flight. The complainant further narrates that on 18.03.2022, the petitioner alongwith her husband and another woman, reached at village Khosa Kotla in a white coloured car and collected the amount of Rs. 20 lakh from Naib Singh's wife and Kehar Singh along with a person who collected an amount of Rs. 10 lakh from Lovepreet Singh's family. Sarabjit Kaur and Lovepreet Singh's wife informed about the said payments to the complainant on the next day. Thereafter, it also came out that Naib Singh, Sandeep Singh and Lovepreet Singh were being sent to America through different countries in illegal manner. When Naib Singh informed the complainant Gurpreet Singh in this regard, he approached Kehar Singh and thereafter, complainant Gurpreet Singh received a phone

call from the petitioner's husband, who gave him the confirmation that they were sent through illegal channel. They arranged phone call with Naib Singh and others for 5-6 days, but thereafter, complainant Gurpreet Singh received a call from them that all the three travellers were trapped and he made demand for US Dollars and thus, under compulsion, \$15,354 and then, \$6500 American Dollars were paid to the accused Amandeep Singh @ Sonu through account of Manpreet Singh. Then on 19.05.2022, another amount of Rs. 3,50,000/- was transferred in the account one Sarabjit Kaur. Thereafter, neither Naib Singh, Lovepreet Singh and Sandeep Singh reached America nor their whereabouts were known and, in this way, they were defrauded for the amount of Rs.50,00,000/-. On the basis of the aforesaid complaint, instant FIR has been registered against the petitioner alongwith other accused and investigation ensued.

3. Learned counsel for the petitioner has iterated that the petitioner is innocent and has been falsely implicated in the present case. Learned counsel asserts that the allegations levelled against the petitioner in the impugned FIR are entirely baseless and devoid of any credible or cogent material. Furthermore, the petitioner has no connection whatsoever with the alleged offence. It has been further iterated that the primary allegation against the petitioner is that he acted as a mediator between the complainant and co-accused in connection with the arrangement for sending the wife and his relatives abroad. It has been further iterated that the petitioner and co-accused are closely related to the petitioner and being personally acquainted with both the parties, the petitioner merely facilitated their introduction. According to learned counsel, the petitioner is neither a travel agent nor engaged in any business of facilitating overseas employment and hence the allegations levelled against her are entirely false, vague and baseless. It has

been further submitted by the learned counsel that the petitioner has been falsely implicated in the present case and the complaint appears to be a result of a concocted narrative, possibly motivated by personal enmity to settle personal scores. Moreover, the petitioner has never acted with any criminal intent nor committed any offence as alleged. Lastly, it has been further argued that there is no need for custodial interrogation of the petitioner, as nothing incriminating remains to be recovered from him. 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. Conversely, learned State counsel (on the strength of advance notice) has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. According to learned State counsel, allegations levelled against the petitioner are of a grave and serious nature, involving a well-orchestrated fraud amounting to more than Rs.50.00 lakhs wherein the complainant and his relatives were deceived under the false pretext of securing legal migration to the America. It was further contended that the magnitude of the offence reflects not only a blatant abuse of trust but also a calculated exploitation of the vulnerability and aspirations of the complainant. According to learned State counsel, the offence committed by the petitioner caused substantial financial and emotional distress to the complainant and his family. Considering the seriousness of the allegations, the custodial interrogation of the petitioner may be necessary to unearth the broader conspiracy and recover the ill-gotten money. Granting bail at this stage may set a wrong precedent in cases involving human trafficking and immigration fraud. Furthermore, in case

the petitioner is granted the concession of pre-arrest bail, at this stage, it may impede the ongoing investigation and obstruct the recovery and potentially lead to tampering with evidence or influencing of witnesses. Accordingly, a prayer has been made for the dismissal of the instant petition in order to facilitate effective investigation into the alleged offence.

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

6. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. The FIR *ibid* was lodged on the basis of a complaint filed by the complainant –Gurpreet Singh who alleged that he was approached by the petitioner (herein) regarding the possibility of sending his son to America. It was further alleged that the petitioner claimed to be involved in the business of facilitating overseas employment and introduced his associates namely Kehar Singh, Amandeep Singh @ Sonu and sister Sukhwinder Kaur, who according to the petitioner, were also engaged in the travel agency business. In furtherance of their connivance and conspiracy with Vinay Pandey, Komal Pandey and Gurpreet Singh resident of Sangrur on the false pretext of sending them to America defrauded the Naib Singh, Lovepreet Singh and Sandeep Singh. The petitioner and other accused persons had received Rs.20 lakhs from Naib Singh's wife and the cash amount of Rs.10 lakhs from Lovepreet's wife and, Rs.3.50,000/-, \$15,354 and another \$6500 from the complainant. The complainant alleged that he was defrauded by the petitioner and co-accused under the false pretext of arranging legal travel to America.

6.1. The offence in question does not merely involve financial deceit but strikes at the very fabric of social trust, involving elements of human

trafficking and cross-border immigration fraud, which are not only grave in nature but also have far-reaching consequences on public order. Cases of this nature, where vulnerable individuals are lured with false promises of lawful migration and are subsequently subjected to exploitation, fall within the ambit of organized human trafficking and merit strict judicial scrutiny and deterrence. Human trafficking under the garb of immigration consultancy is a growing menace which preys upon the desperation and dreams of unsuspecting citizens. The Courts must remain vigilant and ensure that such rackets are not emboldened by leniency at the pre-trial stage. The fraudulent inducement for illegal migration, followed by subjecting individuals to inhumane and life-threatening conditions abroad, not only reflects criminal intent but also constitutes a serious affront to human dignity and national interest. The Court cannot overlook the broader public interest involved in cases of immigration fraud, especially when they border on transnational human trafficking. Such offences necessitates a strong and principled judicial response to prevent their recurrence.

6.2. A perusal of the FIR reveals that the allegations against the petitioner are grave and serious in nature who defrauded the complainant of a substantial amount under the false pretext of facilitating the legal migration of his relatives to America through agents. Such offences strike at the core of public trust and reflect a disturbing trend prevalent in this region, where unscrupulous individuals posing as travel facilitators exploit the aspirations of innocent citizens seeking opportunities abroad. These fraudulent activities not only cause severe financial and emotional distress but also undermine the integrity of lawful immigration systems. Therefore, individuals involved in such organized deceit must be dealt with firmly and in accordance with the law, leaving no room for leniency.

7. Furthermore, the investigating agency has sought the custodial interrogation of the petitioner for effective recovery, verification of facts, and to establish the broader conspiracy, if any, behind the occurrence. 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. It goes without saying that in the instant case, the complainant has categorically stated that the petitioner along with co-accused had defrauded the complainant of a substantial amount under the false pretext of facilitating the legal migration of his relatives to America through agents which caused severe financial and emotional distress.

8. 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. It is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression. 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 a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

9. At this juncture, it would be apposite to refer herein to a judgment passed by this Court in **CRM-M-38399-2025 ‘Sunny @ Sandeep Kumar Vs. State of Punjab’**, relevant whereof reads as under:-

“9. There is yet another nay seminal aspect of the matter which craves attention of this Court.

9.1. This Court finds it incumbent to address a facet of profound jurisprudential significance concerning applications for anticipatory bail under Section 482 of BNSS (erstwhile Section 438 of Cr.P.C., 1973). Anticipatory bail, fundamentally an extraordinary discretionary remedy, stands as a Constitutional safeguard of personal liberty, principally designed to shield a law-abiding individual from the ignominy of pre-trial arrest. It is a beneficial provision — intended to preserve freedom from genuine apprehension of unwarranted restraint — not to offer sanctuary to those who demonstrate a cavalier disregard for the investigative process or judicial fiat. While the legislative framework remains silent on a rigid timeline for invoking the extraordinary discretionary jurisdiction—an inordinate and inexplicated delay in invoking the same—inevitably invites meticulous scrutiny. Such a hiatus, bereft of compelling justification, frequently transmutes into an implied acknowledgment of accused-applicant’s deliberate evasion of the law’s embrace, bordering on an act of abscondence. To extend the protective umbrella of this equitable relief to an accused who, by his own volition, has elected to protract his submission to legal machinery, would not only pervert the salutary object of Section 482 of the BNSS but would also, in essence, condone and tacitly legitimate a brazen defiance of the process of law. Such

*inexplicable tardiness, shrouded in ambiguity, will inevitably compel the Court to exercise its discretion judiciously and, in all likelihood, decline to extend the extraordinary indulgence of Anticipatory Bail to an individual whose conduct reflects a discernible want of diligence or strategic recalcitrance in facing the investigative process. The portals of justice are open to all, but they are not a refuge for those who seek to manipulate its timelines for ulterior motives. As the venerable legal maxim goes **Jus Ex Injuria Non Oritur**—a right or the protection of law cannot arise from a wrong.*

9.2. While this Court remains cognizant of peculiar circumstances, where, for instance, an individual's implication might surface belatedly or due to an innocent oversight, thereby occasioning a bona fide delay in seeking judicial reprieve, such instances constitute the exception, not the norm. However, in cases where an accused-applicant has consciously subjected himself to the Sessions Court jurisdiction, and thereafter exhibits a protracted and un-elucidated delay in approaching this Court, after the refusal of relief by the Sessions Court, the evidential burden axiomatically shifts towards the accused-applicant to furnish a lucid, credible and compelling explanation for such tardiness — failing which may disentitle such an accused-applicant for the relief.

9.1. The factual milieu of the case in hand reflects that the FIR in question was registered on 02.04.2024, the petitioner (herein) had filed the anticipatory bail plea before the Sessions Court in November, 2024 which came to be dismissed by the said Sessions Court on 03.12.2024. The petition in hand has been filed before this Court on 21.07.2025. There is no explanation much less cogent and convincing explanation put forth by the petitioner regarding this hiatus of about 08 months. *Ergo*; the petition in hand deserves to be dismissed on this score as well, apart from merits thereof.

10. In view of the gravity of the allegations, the specific role attributed to the petitioner and the necessity of custodial interrogation for a fair and thorough investigation, this Court is of the considered opinion that

the petitioner does not deserve the concession of anticipatory bail in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby dismissed.

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

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

(SUMEET GOEL)
JUDGE

July 23, 2025
Naveen

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