

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

CRM-M-2635-2025
Reserved on: 18.03.2025
Pronounced on: 28.03.2025

Akash Kaushik ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Pooja Dhinga, Advocate (through video conferencing)
for the petitioner.

Mr. Akshay Kumar, Asst. AG, Punjab.

Ms. Mankirat Kaur Sra, Advocate and
Mr. Baljinder Singh Sra, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
167	26.09.2023	Kotwali, Bathinda	420 IPC (Sections 465/468/471/120-B IPC added later on)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC/483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per paragraph 19(a) of the bail application and the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	662	15.12.2023	406/420 IPC	City Fatehabad

3. The facts and allegations are being taken from the translated version of FIR, which reads as follows:

“Copy of the Application. "Application No.422A/Nathana/2023 dated 25.09.2023 Office of Senior Superintendent of Police, Bathinda. To Hon'ble S.S.P Sahib Bathinda, Subject: Application against Tejinderpal Singh Khurmi owner of Simran Travels Near Bus Stand Bathinda, regarding fraud. Respected Sir. 1) It is requested that we the below mentioned persons are resident of various villages. We had got air tickets booked of our relatives, daughters and sons for going to Canada on

various dates from Tejinderpal Singh Khurmi owner of Simran Travels Near Stand Bathinda and had given the amount in cash. 2) That we and our children came to know from the airport about these tickets that are fake and forged. 3) That we our children and relatives had to purchase air tickets for going to Canada by paying more money. 4) That Tejinderpal Singh Khurmi has committed cheating of about Rs.62 lakh and committed fraud with all of us by giving about 48 fake tickets. 5) That we had met Tejinderpal Singh Khurmi in his office in this regard. He gave us assurance for some days that he will return our money. We have come to know that he has also sold his house and he want to go abroad. We had got together some days back and met him for returning our money. He said that you may do what you want I will not return your money. Tejinderpal Singh Khurmi owner of Simran Travels Near Stand Bathinda in connivance with other unknown person has committed cheating of about 62 lakh rupees with us by giving us fake tickets. He has committed cheating with many other persons also who have not come in contact with us, by taking money and giving fake tickets. Legal action be taken against him. In case the role of any other person be found in this cheating then legal action be taken against him also. We shall be thankful to you. Sd/- Joginder Singh son of Bhana Singh resident of Nandgarh Kotra 94630-XXXXX, Sd/- Jadwinder Singh son of Gurnam Singh resident of Phoola 98888XXXXX, Sd/ Labh Singh son of Ram Singh resident of Nandgarh Kotra 98761XXXXX, Sd/ Gurlal Singh son of Buddh Singh resident of Multania Road Bathinda 98789XXXXX . Sd/-Hakam Singh son of Nihal Singh resident of Mofar District Mansa 95926XXXXX . Sd/ Gurcharan Singh son of Jagjit Singh resident of Kotshamir, Sd/ Lakhbir Singh son of Jagjit Singh. resident of Kotshamir 9501XXXXX , Sd/ Harpreet Singh son of Ranjit Singh resident of Talwandi 75891XXXXX, Sd/ Akashkanth son of Surendra Kumar resident of Goniana Mandi 90412XXXXX . Sd/- Jagdish Singh son of Bhagat Singh resident of Pathrala District Bathinda 9876XXXXX , Sd/ Kewal Singh son of Chota Singh resident of Kotbhara 97795XXXXX, Sd/ Sikandar Singh son of Harbhej Singh resident of Gidar District Bhatinda 9206XXXXX . Sd/ Sukhmandir Singh son of Jeet Singh resident of Mansa Kalan District Bathinda 97801-XXXXX.

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the status report.

6. It would be appropriate to refer to the following portions of the status report, which read as follows:

“6. Role of the petitioner - a) The accused Tejinderpal Singh Khurmi is doing the business of travel agent in the name of Simran Travels, Bathinda and the petitioner is also doing the same business. The complainants purchased 48 air tickets for them/their family members for going to Canada on different dates through the accused and also paid the amounts to him, as

per detail given above and this fact has not been denied by the petitioner in the present petition. The petitioner and co-accused Tejinderpal Singh Khurmi are doing the same business and they prepared fake air tickets and also issued to the same to the complainants.

(b) Evidence against the petitioner -

The petitioner received the amounts from the complainants through co-accused and issued fake air tickets to the complainants. The fact that the above said cheque issued by the petitioner on account of refund of the amount of fake tickets, which was dishonoured, has not been denied by the petitioner and this in itself is sufficient evidence against the accused. The petitioner tried to escape his criminal liability by showing to have issued the cheque of refund of amount to co-accused which was later on, dishonoured by the bank. As per the verification made from different airlines, the said tickets donot match with their record.”

REASONING:

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Petitioner’s total custody in this FIR is 05 months and 08 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner’s complying with the following terms.

12. The petitioner shall abide by all statutory bond conditions and appear before the

concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

13. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

14. The concerned Judicial Magistrate/ Trial Court is authorized to delete, modify, or relax any of the conditions mentioned above and is competent to do so following the law.

15. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

16. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

17. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

28.03.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.