

CRM-M-56321-2024

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

CRM-M-56321-2024
Reserved on: 18.03.2025
Pronounced on: 26.03.2025

Tejinderpal Singh Khurmi ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. K.S. Brar, Advocate and
Mr. Rajat Dogra, Advocate for the petitioner.

Mr. Akshay Kumar, AAG, 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, Distt. Bathinda	420 IPC

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

2. In paragraph 10 of the bail petition, the accused declares that he has no criminal antecedents. However, as per custody certificate dated 18.03.2025, the accused has the following criminal antecedents:

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

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That initially, the FIR in question was registered against one accused i.e. the present petitioner Tejinderpal Singh Khurmi on the application of Jagsir Singh son of Maghar Singh and others on the allegations that the accused cheated with the complainants Jagsir Singh and others with Rs.62.00 lakhs by supplying fake air tickets to them.

Later on, the offences u/s 465,468,471,120-B IPC were added in the FIR

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in question. During the investigation, the name of Akash Kaushik son of Hari Kant Sharma was nominated in the FIR in question vide DDR No.41 dated 25.10.2023.”

4. The petitioner's counsel submits that petitioner runs a small tour and travel business at Bathinda and sells the tickets by purchasing the same from another agency. He further prays for bail by imposing any stringent conditions and contends that further 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 reply.

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

“6. Role of the petitioner - (a) The petitioner-accused is doing the business of travel agent in the name of Simran Travels, Bathinda. The complainants purchased 48 air tickets for them/their family members for going to Canada on different dates through the petitioner 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 was having link with co-accused Aakash Kaushik who is also engaged in the same business of travel agent. Both the accused in connivance with each other, prepared fake air tickets and also issued to the same to the complainants.”

REASONING:

7. Perusal of para 4 of the petition shows that petitioner himself purchased the ticket which were taken from another agency of Akash Kaushik. 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.

8. As per the custody certificate dated 18.03.2025, the petitioner's total custody in this FIR is 06 months & 14 days.

9. 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 for further pre-trial incarceration at this stage.

10. 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.

11. 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.

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12. 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)	

13. This order is subject to the petitioner's complying with the following terms.

14. 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.

15. It is clarified that if the petitioner violates any bail condition, the State and/or the victim may file an application for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the petitioner moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.

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

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

18. 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.

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

(ANOOP CHITKARA)
JUDGE

26.03.2025

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Whether speaking/reasoned: Yes

Whether reportable: No.