

CRM-M-62904-2024

2025:PHHC:017300



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

219

CRM-M-62904-2024

Date of Decision: 05.02.2025

**HARVINDER SINGH SEKHON @ HARWINDER SINGH SEKHON
.....Petitioner**

Vs

STATE OF PUNJAB

...Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Manmeet Singh Rana, Advocate,
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)1. **Relief Sought**

The jurisdiction of this Court has been invoked under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.182, dated 14.09.2021, (Annexure P-1), under Sections 406, 420 of IPC, 1860 and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014 registered at Police Station Basti Bawa Khel, District Jalandhar.

2. The FIR reads as under :-

xxxxx

xxx

xxxxxxx

Complaint No.2203-DCP dated 22.06.2020. To Hon'ble Police Commissioner, Jalandhar. Subject: Complaint against Harvinder Singh Sekhon Travel Agent, M.90567-45348 for embezzling Rs.1,10,000/- on pretext of sending abroad and also giving threats. Sir, it is requested that I Harjit Singh s/o Harwinder Singh is resident of House No.39, Guru Arjan

CRM-M-62904-2024

2025.PHHC.017300



Nagar, Basti Mithi, Tehsil and District Jalandhar. That I want to go abroad and the abovesaid travel agent was known to Balwinder Singh Laddi and I met him through him and the deal was fixed in Rs.5,50,000/- for sending him to Portugal. At that time the son of Balwinder Singh Laddi namely Simranjit Singh has took my passport and I had also paid an amount of Rs.10,000/- advance who had got as our medical conducted after one week and also took Rs.10-10 thousands and also taken Rs.50,000/-thereafter. Again Rs.40,000/- has been paid in the house of abovesaid Balwinder Singh Laddi and he sought 1-2 months time and stated that within 2 months your work will be completed and you will get the work permit of Portugal. As the time lapse, I met the abovesaid travel agent. He started making the excuse and lateron he sent me pictures on my whatsapp where my visa has been granted for Ireland, however, we had done the deal for Portugal. When I enquired from him then he said that you will get Visa only for Ireland and then I came to know that abovesaid travel agent is committing fraud with me. I asked him to return my money. I am not interested to get the visa. You will return my amount. Firstly he started making excuse and lateron he refused to make any payment and stated that do whatever you want to do I will not return your amount. He had used abusive language and threatened that you cannot do anything to me and I have approached with higher officials. He had not met at his home and lateron it was came to our knowledge that he had left the place and he is not taking my phone and our original passport are also with the abovesaid travel agent. I had paid the abovesaid money after selling my land. The abovesaid travel agent is not returning my amount and original passport and also giving threats. It is therefore, requested that my amount and my original passport may kindly be returned. Action be taken against abovesaid travel agent. I shall be thankful to you. Thanking You, Yours faithfully Sd/ Harjit Singh s/o Harwinder Singh, r/o H.No.39, Guru Arjan Nagar, Basti Mithu, Jalandhar, M.97818-12312.”

CRM-M-62904-2024

2025.PHHC:017300



Contentions on behalf of the petitioner

Learned counsel for the petitioner submits that vide order dated 13.12.2024 he was granted interim bail on his undertaking to repay the whole amount of Rs.1,50,000/- to the complainant within 06 weeks but he is not in a position to comply with the undertaking of the amount in question admittedly received by him on account of sending complainant abroad.

3. **Contentions on behalf of the State**

Learned State counsel at the very outset contends that it was purely on the undertaking that the petitioner was admitted to interim anticipatory bail subject to his joining investigation. Today, the petitioner has neither joined the investigation nor is ready to comply with the aforesaid undertaking and therefore, looking at the gravity of offence committed for which he has been robbed in the instant FIR and the conduct shown before this Court as an offender, the petitioner does not deserve concession of anticipatory bail.

Heard.

4. **Analysis**

Be that as it may taking into consideration the conduct of the petitioner wherein he has failed to comply with the order dated 13.12.2024 added with the fact that he has duped the complainant with his hard earned money of Rs.1,50,000/- on the pretext of sending him abroad, this Court by no stretch of imagination is inclined to grant the petitioner the concession of anticipatory bail. Moreover, The Hon'ble Supreme Court in *State Vs. Anil Sharma : (1997) 7 SCC 187* held as under:-

CRM-M-62904-2024

2025.PHHC.017300



“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable 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 information 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.”

In Sushila Aggarwal Vs. State (NCT of Delhi), (2020) 5 SCC 1, the

Hon’ble Supreme Court has enunciated the considerations that must govern the grant of anticipatory by holding as under: -

92.3...While considering an application (for grant of anticipatory bail) the court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence (including intimidating witnesses), likelihood of fleeing justice (such as leaving the country), etc.

92.4. Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion; equally whether and if so, what kind of special conditions are to be imposed (or not imposed) are dependent on facts of the case, and subject to the discretion of the court.”

Similarly, in Neeru Yadav Vs. State of UP & Anr., (2016) 15 SCC

422, it was held by Hon’ble Supreme Court as under: -

*“11. It is the duty of the Court to take into consideration certain factors and they basically are,
 (i) the nature of accusation and the severity of punishment in cases of conviction and the nature of supporting evidence, (ii) reasonable apprehension of tampering with the witnesses for apprehension of threat to the complainant, and
 (iii) Prima facie satisfaction of the court in support of the charge.”*

CRM-M-62904-2024

2025:PHHC:017300



5. **Conclusion**

In light of the above discussion, the present petition stands dismissed having no merits.

However, it is made clear that observations made hereinabove shall have no bearing in the mind of the trial Court while adjudicating the matter in accordance with law.

05.02.2025

Jyoti Thakur

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No

(SANDEEP MOUDGIL)
JUDGE