



CRM-M-47191-2025

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

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CRM-M-47191-2025

Date of decision: 15.09.2025

Jugraj Singh Sidhu

...Petitioner

V/s

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sarbjit Singh, Advocate for the petitioner.

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

Mr. Amandeep Singh manaise, Advocate
for the complainant-respondent No.2.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner in case bearing FIR No.108 dated 27.06.2023, registered for the offences punishable under Section 420 of IPC at Police Station City Batala, District Batala.

2. The gravamen of the FIR in question pertains to defrauding the complainant namely Gurjant Singh, who alleged that the accused persons namely Jugraj Singh (petitioner herein), Damanpreet Kaur and Sukhwinder Kaur cheated him under the pretext of sending his brother namely Bhagwantbir Singh to Australia. It was further alleged that the accused Iqbal Singh his wife Rupinder Kaur, Jugraj Singh (petitioner herein) and his wife namely Damanpreet Kaur and Satnam Singh (father of Iqbal Singh) were operating as travel agents in Batala. They assured the complainant that they would arrange for the migration of his brother to Australia and took



Rs.16,83,000/- from him, out of which Rs.6,00,000/- was transferred through the bank account of the accused Jugraj Singh (petitioner herein). A visa was issued on the passport of the brother of the complainant, however, upon verification, it was found to be fake. Despite repeated demands, the accused returned only a sum of Rs.3,20,000/- out of the total cheated amount of Rs.16,83,000/-. On these set of allegations, instant FIR has been registered and investigation ensued.

3. Learned counsel for the petitioner has iterated that no specific role has been attributed to the petitioner in the alleged offence and he has been falsely implicated merely on account of being a relative of co-accused Iqbal Singh. Learned counsel has further contended that the petitioner was running an IELTS/PTE coaching centre, duly registered, with the Registrar of Firms, Punjab and has no concern with the travel agency business. It is further contended that all visa related work was being done through one Hardeep Singh Valha, a travel agent, who later committed suicide. Learned counsel has further iterated that the petitioner has never retained any money and in fact, part of the amount has been returned to the complainant. 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. According to learned counsel, in the absence of substantive and incomplete material, the entire prosecution narrative is nothing but an abuse of process. Furthermore, it has been argued that there is no need for custodial interrogation of the petitioner as the case is document based. Reliance has also been placed on the orders granting anticipatory bail to co-accused Iqbal Singh, Rupinder Kaur and the wife of the petitioner namely



Damandeep Kaur. On strength of aforesaid submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel has opposed the petition by arguing that the allegations raised against the petitioner are serious and supported by documentary material. Learned State counsel has further iterated that the complainant has specifically transferred Rs.6.00 lacs into the account of the petitioner which directly connects him to the offence. Learned State counsel has filed short reply dated 10.09.2025 by way of affidavit of Sanjeev Kumar, Deputy Superintendent of Police, Sub Division City Batala, Police District Batala and has raised submission in tandem with the said status report; relevant whereof reads as under:

“From the perusal of the statements got recorded during enquiry and from the record produced by the parties, it has been revealed out that the accused are running the IELTS and PTE coaching centre, but they promised to send Bhagwantbir Singh, brother of the complainant, to Australia. They received Rs. 16,83,000/- from the complainant. An amount of Rs.6,00,000/- was received by accused/petitioner Jugraj Singh through his bank account No.50100520628729 of HDFC Bank. The accused Iqbal Singh had returned Rs.6,70,000/- to the complainant. The allegations against the accused are serious in nature. They are running IELTS and PTE coaching centre, but are actually working as travel agents. Out of the total amount of Rs. 16,83,000/-, an amount of Rs.6,00,000/- was admittedly received in the bank account of accused Jugraj Singh. No amount has been returned by them to the complainant despite the fact that the visa got issued on the passport of brother of the complainant was found fake.

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6. *That, the deponent humbly submits that further during the investigation of the case, the notices under Section 41A of Cr.P.C. were issued in the name of the accused, but they had not joined the investigation of the case.”*



It has been further submitted that the recovery is yet to be effected and hence the custodial interrogation of the petitioner is necessary for unearthing the complete facts. Accordingly, a prayer has been made for the dismissal of the instant petition in order to facilitate effective investigation into the alleged offence.

5. Learned counsel for the complainant-respondent No.2 has submitted that the complainant has specifically transferred Rs.6,00,000/- into the account of the petitioner which directly connect him to the offence. Moreover, the partial refund of the cheated amount by the petitioner himself establishes his complicity.

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 FIR *ibid* reflects that allegations in the present case are of cheating to the tune of Rs.16,83,000/- received from the complainant on the pretext of sending his brother abroad. The investigation has revealed that a forged visa was arranged and handed-over which caused wrongful loss to the complainant and wrongful gain to the accused. Furthermore, a part of the cheated amount i.e. Rs.6.00 lacs stands credited to the account of the petitioner himself and the petitioner does not deny the receipt of this amount. The material which has come on record discloses that the allegations against the petitioner are not vague or general but are specific, supported by details of payments. The fact that the petitioner has refunded a part of the amount also fortifies the case of the prosecution that he was directly involved in the



commission of offence. The defence projected by the petitioner that he was running only a coaching centre, is a matter of evidence, which can be examined during the course of trial but does not dilute the seriousness of the allegations at this stage. The offence alleged is of a serious nature, involving not only a substantial financial loss to the complainant but also exploitation of aspiration of the brother of the complainant to settle abroad.

8. 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 necessitate a strong and principled judicial response to prevent their recurrence.



9. 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 sending his brother abroad i.e. Australia. 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.

10. Furthermore, the investigating agency has sought the custodial interrogation of the petitioner for effective recovery, unravel the larger conspiracy, trace the money trail 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 alongwith co-accused has defrauded him of a substantial amount under the false pretext of sending his brother to Australia which caused severe financial and emotional distress.

11. Furthermore, 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 interest(s). 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 establish 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.”

12. The role attributed to the petitioner is distinguishable from that of co-accused who has been granted the concession of anticipatory bail, inasmuch as the cheated amount was directly received in his account. Moreover, the grant of bail to co-accused does not entitle the petitioner to parity as the role attributed to him is distinct and grave. It is well settled that the principle of parity is not absolute and cannot be applied mechanically in



all circumstances. Each case must be evaluated on its own facts and the nature and role of each accused is to be independently assessed.

13. Accordingly, 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. In view of the foregoing and considering the seriousness of the allegations, the magnitude of financial loss and the ongoing nature of investigation; this Court is of the considered opinion that the petitioner has failed to make out a case for the grant of anticipatory bail. Moreover, custodial interrogation of the petitioner may be necessary for an effective investigation & to unravel the truth.

14. In view of the prevenient ratiocination, it is directed as under:

- (i) The petition in hand is dismissed being devoid of any merits.
- (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

September 15, 2025

Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No