



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

105

CRM-M-25998-2025

Date of decision: 13<sup>th</sup> May, 2025

Gurwinder Singh

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Saumya Ahluwalia, Advocate for the petitioner.

Mr. Apoorv Garg, Sr. DAG, Haryana.

Mr. Parminder Singh, Advocate for the complainant.

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**MANISHA BATRA, J (ORAL):-**

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 165 dated 15.04.2024 registered under Sections 406 and 420 of IPC at Police Station Nissing, District Karnal.

2. The aforementioned FIR was registered on the basis of complaint lodged by the complainant Gurpreet Singh alleging therein that the petitioner and his wife Jinder Kaur @ Jaswinder were on visiting terms with him. Their two sons used to reside in USA. The petitioner and his wife allured the complainant to send him to USA by saying that he would be earning handsome amount of money with their sons. They asked for giving an amount of Rs. 51,00,000/- for the purpose of sending him abroad. The



complainant was induced by them. They had convinced the complainant that they would directly send him to Mexico from where their sons would take the complainant along with them. Believing them, the complainant parted with a sum of Rs. 48,00,000/-. He was sent from Delhi to Ethiopia from where he was sent to different countries and was boarded in a truck for the purpose of going to Mexico. When he was ready to go to Mexico, he was pressurized to call his family members and to give a sum of Rs. 48,00,000/- to the petitioner. On his asking, his parents arranged for that much amount and gave the same to the petitioner. The petitioner had told him to cross the wall of Mexico and had convinced the complainant that his sons would get him released from there and would take him to USA. However, as soon as he crossed the boundary wall of Mexico, he was lodged in a camp, where he was kept under captivity for 2.5 months and then was deported to India. While alleging that he had moved complaints previously before the police but no action was taken, he prayed for registration of FIR. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, present petitioner had moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Karnal, which was dismissed vide order dated 06.05.2025.

3. It is argued by learned counsel for the petitioner that he has been fasely implicated in this case on the basis of a concocted story. Infact, multiple inquiries had been conducted in the matter on the complaints filed by the complainant before registration of FIR. In the previous inquiries, reports had been given that there was a monetary dispute between the petitioner and the complainant party, which was civil in nature. However,



while ignoring those reports, the FIR of this case was registered on 3<sup>rd</sup> complaint. It is submitted that only one inquiry could be conducted in the matter to determine as to whether, a cognizable offence had been made out or not and multiple inquiries so conducted are in violation of Article 21 of constitution of India. It is also submitted that there is no material on record to show that the petitioner had received any money from the complainant. Even otherwise, as per the version of the complainant himself, he had reached America and it was only two and half months thereafter that he was deported to India. His custodial interrogation is not required. He is ready to join the investigation. No recovery is to be effected from him. Accordingly, it is urged that he deserves to be given benefit of bail.

4. Notice of motion.

5. Learned Senior Deputy Advocate General, Haryana, has advance notice of the petition. At this stage, Mr. Parminder Singh, Advocate has filed power of attorney on behalf of the complainant. Learned Senior Deputy Advocate General, Haryana, is ready to argue the matter and assisted by learned counsel for the complainant, he has argued that there are serious and specific allegations against the petitioner, who by inducing the complainant to part with a sum of Rs. 48,00,000/- on the pretext of sending him and settling him in United States of America, had cheated him and had blackmailed him. The complainant was sent to USA in an illegal manner and was kept confined in camp. The complainant had not been joined in the previous inquiries and his statement had not been recorded. As such, they had no value. It was only on the basis of statement recorded by the petitioner that those inquiry reports were ordered to be filed. The petitioner had



admitted that he had given a sum of Rs. 6,00,000/- and his sons had given 3000 US dollars to the complainant and that itself proved that he had received money from the complainant. His custodial interrogation is required for effecting recovery of the money taken from the complainant as well as for conducting thorough investigation in the matter. No extraordinary or sparing circumstance has even otherwise been made out for the purpose of extending benefit of bail to the petitioner. The petitioner has criminal antecedents. Therefore, it is urged that the petition does not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

7. The petitioner is alleged to have induced the complainant to part with a huge amount of money on the pretext of sending him to USA and settling him alongwith the sons of the petitioner, in that country. The complainant had, however, been sent to Mexico in an illegal manner, from where he was made to cross the border to USA and was kept confined in a camp and was deported later on. Due to false representations made by the petitioner, the complainant was not only duped of money but was made to face harassment. Wrongful loss of big amount of money was caused to him. For conducting thorough investigation in the matter, custodial interrogation of the petitioner is required. It is also well settled that the Court must be circumspect while exercising power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extraordinary remedy. In the present case, no such exceptional circumstances



warranting exercise of the powers for grant of anticipatory bail by this Court are existing. The case is at nascent stage. Deeper probe is required to be made for eliciting the truth and for that purpose custodial interrogation of the petitioner is must. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

**[MANISHA BATRA]**  
**JUDGE**

**13<sup>th</sup> May, 2025**

*Parveen Sharma*

1. *Whether speaking/ reasoned* : *Yes / No*

2. *Whether reportable* : *Yes / No*