



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

104

CRM-M-26421-2025

Date of decision: 27th May, 2025

Sajan Sharma

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sachmeet Singh Randhawa, Advocate for the petitioner.

Ms. Himani Arora, Assistant Advocate General, Punjab.

Mr. Amandeep Singh Manaise, Advocate with
Mr. Daljeet Singh Randhawa, Advocate for respondent No.2.

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. 33 dated 11.04.2025 registered under Sections 420 of IPC and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014 at Police Station Purana Shalla, District Gurdaspur.

2. As per the allegations, the complainant- Kanso, was induced by the present petitioner and co-accused Aman Singh Gagar, to part with a sum of Rs. 26,00,000/- on the pretext of sending her son to USA. However, after receiving the money, the petitioner and co-accused neither sent her son



abroad nor they returned the money as given to them. After registration of FIR against them, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail, which has been dismissed, by the court of learned Additional Sessions, Judge Gurdaspur, vide order dated 28.04.2025.

3. It is argued by Leonard counsel for the petitioner that he has been falsely implicated in this case due to political rivalry, as relative of the complainant had been elected at the post of the Sarpanch in their village and uncle of the petitioner had filed an election petition against the said Sarpanch. No money whatsoever has been transferred in the account of the petitioner rather the money of the complainant was transferred to the bank account of co-accused Amandeep Singh and two persons namely Akash Soni and Paramjit Singh. No material has been collected to connect him with the subject offences. He is not a travel /immigration agent. He had never made any representation to the complainant to send her son abroad. His custodial interrogation is not required. He is ready to join the investigation. No recovery is to be effected from him. With these broad submissions, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned Assistant Advocate General, Punjab, has advance notice of the petition and is ready to argue the matter. At this stage, Mr. Amandeep Singh Manaise, Advocate has appeared on behalf of the respondent and he is also ready to argue the matter. It is submitted by learned Assistant Advocate General Punjab, assisted by learned counsel for



the complainant that there are serious allegations against the petitioner. His custodial interrogation is must for conducting thorough investigation in the matter. He is the mastermind of the crime. No extraordinary and exceptional circumstance for grant bail to him is made out. As such, it is stressed that the petition does not deserve to be allowed.

6. Rival contentions raised by learned counsel for the parties have been considered.

7. The petitioner along with the co-accused is alleged to have induced the complainant to part with a sum of Rs. 26,00,000/- by alluring her that her son would be sent abroad by them. He was, however, not sent abroad, nor the money given by the complainant was returned to the complainant thereby causing wrongful loss to her. Though no document in proof of giving money in the form of bank transaction or otherwise has been given by the complainant so far as revealed from the record. However, only because of this fact, it cannot be stated at this stage that no money was given to the petitioner. The case is still at its nascent stage. A deeper and thorough probe is required to be conducted and for that purpose, custodial interrogation of the petitioner is must. It is also well settled that the Court must be circumspect while exercising such 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 extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. 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

27th May, 2025

Parveen Sharma

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