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(208)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision : 30.09.2025

RANDEEP SINGH @ ALIAS BONY

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Gulrej Khan, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

Mr. Davinder Pal Soni Jaura, Advocate
for the complainant.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 BNSS, 2023 is for the grant of anticipatory bail to the petitioner in case FIR No.142 dated 06.07.2025 registered under Section 420 IPC at Police Station Nehianwala, District Bathinda.

2. The present FIR came to be registered at the instance of Sohan Singh S/o Balwinder Singh and the same reads as under:-

“To, The Senior Superintendent of Police, Bathinda. Subject:- Application for taking action under relevant provisions against Randeep Singh alias Bonnie (78887-12300) Son of Darbara Singh, Pardeep Kaur daughter of Darabara Singh, Jaspal Kaur Wife of Darbara Singh, Jagdeep Singh son of Darbara Singh and Darbara Singh son of Mehar Singh resident near bus stand Goniana Mandi District Bathinda and Sandeep Kaur daughter of Darbara Singh currently currently



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wife of Kuldeep Singh resident of village Chotia district Sri Muktsar Sahib in connivance with each other have committed cheating and fraud to the tune of Rs.23,00,000/- on the pretext of sending the son of applicant namely Harmandeep Singh to abroad. Respected Ma'am, the applicant submits as under:- 1. That I am Sohan Singh, son of Gurdit Singh, Resident of Village Balahar Vinjhu, District Bathinda and I am employed as a Driver on Saggu Bus and I am an illiterate person and I had only one and a half acres of Land. I have a son Harmandeep Singh, who is about 22-23 years old, who is studied upto 10th pass. 2. That my marital tie was arranged by above accused Jaspal Kaur Wife of Darbara Singh resident of Bus Stand, Goniana Mandi, due to which we used to come and go to their house and we had good relations with them. 3. That when I went to their house in June 2023, all the above accused were present at the house, during conversation they started telling me that your son Harmandeep Singh is a vagrant, you should send him to abroad, then accused Jaspal Kaur and Darbara Singh started telling me that our Sons Randeep Singh, Jagdeep Singh and Daughter Pardeep Kaur will get your son a work permit for Canada. The accused Sandeep Kaur, Pardeep Kaur, Jagdeep Singh and Randeep Singh said that we will get your son a Canadian work permit because our relatives are settled in Canada. When I asked the accused about the expenses, then they told me that the total cost would be Rs. 29,00,000/-Lakh. You will have to pay half of the money upfront and the other half after getting the visa 4. When I came to their conversation and told that that I did not have that much money, they told me that you should sell an acre of land and when the visa comes, everything will be settled. I believed their words and when I went home and talked to my wife and son about this, they also said that for the better future of my son, we would sell an acre our land and settle Harmandeep Singh in Canada.5. After this, I and my wife Virpal Kaur alias Karamjit Kaur went to their house



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again to talk, where the aforementioned countrymen were present, all the accused once again assured me and my wife that you would not lose a single penny, we are your relatives. We are asking for your son's good future and it is our full responsibility to get your son Harmandeep Singh a work permit for Canada. We agreed to these talks and made a deal with them to send our son abroad for Rs.29,00,000/-Lakh. 6. That I and my family agreed to these talks and sold one acre of our land to Balkar Singh Son of Tehal Singh resident of Jaito Bypass, Goniana Mandi, District Bathinda on dated 31.07.2023. A copy of the registry is attached. 7. That as per the said accused, we sold our land and gave them half the installment of the fixed amount as per their demand in the form of cheques, out of which, one Cheque No.009807 for Rs.13,50,047/-and second Cheque No.009808 for Rs.86,004/- were given to the accused and the necessary documents of his son Harmandeep Singh including passport, aadhar card, school certificate etc. were handed over to the accused as per his demand. A photocopy of the bank statement is attached.8. That after some time when we asked about my son's visa, accused told me and my family that your son's visa will arrive soon. All the rest of work is done, we have to show the funds in his account. We believed the words of the accused and after arranging the money and told the accused, then the accused Randeep Singh alias Bonnie said that I I will go to the bank with you and get an FDR in the name of Harmandeep Singh because you do not know much. Thus while making the FDR Dated 17.01.2024 for Rs.7,00,000/- all the action was done by Randeep Singh and at that time, accused Randeep Singh fraudulently got his number added to my son Harmandeep Singh's account and also took my son's ATM card and after getting this FDR, the accused again said that the funds are low, we will have to get some more money to get FDR, on which we reached HDFC Bank on dated 23.04.2024 to get FDR of Rs.1,49,000/-, at this time also accused Randeep



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Singh was with us, who did all the action himself. 9. That when asked repeatedly about the visa from accused and Harmandeep Singh, they did not give any satisfactory answer, on which we suspected that we went to HDFC branch in Goniana Mandi on dated 04.06.2025 to inquire about FDR and found that the above said accused had withdrawn all the money in Harmandeep Singh's account by breaking the FDR. 10. That after this, when I and my wife reached in the house of above said accused, all the accused were present at the house at that time, all these accused started threatening us that we were going to cheat you, we have killed you, if you complain to anyone, the outcome will be very bad because our reach is very large. 11. That we also have call recordings of Randeep Singh, which we can present if necessary. 12. That if I or any member of my family suffers any loss of life or we commit suicide due to this, then above accused will be responsible for our actions. 13. That the said accused, in collusion, have cheated us of about Rs.23,00,000/-on the pretext of sending my son Harmandeep Singh to abroad and by fraudulently using my son's account. Therefore, it requested by submitting an application that a case be registered against the said accused under the provisions of the relevant sections against the accused for cheating us on the pretext of sending us abroad, threatening to kill us and not returning our original documents and ATM cards and in this regard, justice be done by returning my said amount and original documents. Sd/- Sohan Singh Singh.”

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The dispute is of a civil nature. The complainant party had borrowed money from the petitioner and the complainant was returning that money to the petitioner. In fact, the petitioner himself has transferred money to the



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complainant vide a UPI payment of Rs.1,22,000/-. The petitioner has never worked as a Visa/Immigration consultant. As the petitioner is ready and willing to join investigation, he is entitled to the concession of anticipatory bail.

4. A reply dated 29.09.2025 by way of an affidavit of Harwinder Singh, HPS, Deputy Superintendent of Police, Addl. Charge Sub-Division Bhucho, District Bathinda has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. While referring to the reply, he along with the learned counsel for the complainant contend that as per the investigation conducted so far it has been found that an amount of Rs.22,85,051/- was received by the petitioner through two cheques drawn from the bank account of Harmandeep Singh, the son of the complainant. The said amount was paid to the petitioner so as to send Harmandeep Singh to Canada. Neither was Harmandeep Singh sent to Canada and nor was the money returned. As the offence stands *prima facie* established and the investigation is to be taken to its logical conclusion, the custodial interrogation of the petitioner is certainly required and therefore, the petitioner is not entitled to the concession of anticipatory bail.

5. I have heard the learned counsel for the parties.

6. The Hon'ble Supreme Court in the case of ***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr.*** 2022 Live Law (SC) 870 held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the



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foremost thing the Court hearing the anticipatory bail application is to consider is the prima facie case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

“It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.

Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

*We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. **In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be***



many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.

7. As per the prosecution, a sum of Rs.14,36,051/- and Rs.8,49,000/- was paid through two cheques drawn on the bank account of Harmandeep Singh, the son of the complainant and paid to the present petitioner on the premise that the petitioner would send Harmandeep Singh abroad to Canada on a work permit. Neither has Harmandeep Singh been sent abroad and nor has most of the money been returned. By no stretch of imagination can it be said to be a dispute of a civil nature. In fact, the offence stands *prima facie* established. The investigation is to be taken to its logical conclusion for which the custodial interrogation of the petitioner is certainly required.

8. In view of the aforementioned discussion, I find no merit in the present petition. Therefore, the same stands dismissed.

9. However, the observations made hereinabove are only for the purposes of deciding this bail petition and the Trial Court is free to

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adjudicate upon the matter on the basis of the evidence led before it
uninfluenced by any such observations made herein.

(JASJIT SINGH BEDI)
JUDGE

30.09.2025
JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No