

CRM-M-34172-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-34172-2025  
Reserved on: 02.09.2025  
Pronounced on: 09.09.2025

Sandeep Kumar

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Mr. Karan Singla, Advocate and  
Ms. Malvi Aggarwal, Advocate,  
for the petitioner.

Dr. Jasmine Gill, AAG, Haryana.

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**ANOOP CHITKARA, J.**

FIR No.	Dated	Police Station	Sections
381	29.08.2024	Sadar Fatehabad, District Fatehabad	120-B, 406, 420 IPC (later on Sections 24, 25 of Imigration Act and Sections 120-B, 406, 420, 506 IPC was added)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. As per para 19 of the bail petition and as per para 16 H of the status report/custody certificate, petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	260	20.10.2024	420, 406, 467, 468, 471 IPC & 24, 25 of Imigration Act	Sadar Ratia
2.	146	2022	420, 406 IPC	Sadar Thanesar, Distt. Kurukshetra
3.	577	2024	115, 118(1), 3(5), 351(2) of BNS	Sadar Thanesar, Distt. Kurukshetra
4.	245	03.08.2024	24 of Immigration Act, 34, 370, 406, 420 IPC	13/17, Panipat

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

*"3. That in compliance of order dated 31.07.2025, it is submitted that a complaint No.566-P/SPL DT 30.05.2024 was received in Police Station Sadar Fatehabad through post, after investigation/enquiry conducted by Economic Offences Branch Fatehabad. Said application was moved by*

complainant Pooran Chand, son of Baag Chand, resident of village Dariyapur, Tehsil and District Fatehabad for taking legal action against 1. Sandeep Kumar (petitioner-accused) son of Babu Ram, 2. Pooja wife of petitioner-accused Sandeep Kumar both residents of Village Kishanpura Tehsil Pipali District Kurukshetra, Mob. No.70277xxx, 3. Vikesh Chander alias Vicky alias Haldar Mobile Number 95827xxxx, 62959xxxx and to recover the amount of Rs.15,00,000/-, which accused have fraudulently extorted from the complainant in the name of sending him abroad. Complainant averred that I am resident of village Dariyapur, Tehsil and District Fatehabad and I had to send my son abroad/Germany, for this, I (complainant) talked to the above mentioned persons. He further averred that accused no.1 Sandeep Kumar (petitioner) told me (complainant) that I (Sandeep Kumar (petitioner) am doing work for sending people abroad and he (Sandeep Kumar (petitioner) told me that he will send your son to Germany and he (petitioner) will also get a job there to him. For which, you (complainant) will have to give Rs.15,00,000/- and Sandeep Kumar (petitioner) I told me that I (petitioner) have sent many people abroad before and he (petitioner) have to tell me about them and in this way, he (petitioner) allured me and petitioner-accused Sandeep introduced me with his wife i.e. accused No. 2 Pooja and accused No. 3 Vikesh and also introduced him to his brother-in-law and said that all of us work together to send people abroad and I fell into this trap and due to which, Rs.5,00,000/- was transferred in the account of Sandeep (petitioner) on 30.06.2023 and after that Rs.2,00,000/- was transferred in the account of accused number 3 Vikesh on 19.07.2023 and thereafter on 15.10.2023, I gave Rs.3,00,000/- in cash to accused No.2 Pooja and his brother and the said amount was given to the said accused persons in the house of accused No.1 Sandeep (petitioner). In this way, I (complainant) gave a total amount of Rs.10,00,000/- to the accused persons. Complainant further averred that in this manner, as per the instructions/demand/instance of the above accused, I was paid/given the total amount of Rs.10,00,000/- to the abovesaid accused persons and when I asked the above said accused persons about sending his son Ajay abroad and about his work, then, above said accused No.1 Sandeep Kumar (petitioner) said that your work will be done soon. You submit your son's passport to me, after that I had submitted the passport of my son to accused. After this, on 01.01.2024, accused persons in connivance with each other sent my son Ajay from Delhi to Baku, which is an unknown country on Tourist Visa for one month and said that I will get you a visa for Germany from here within a month, till then, you arrange for the outstanding amount of Rs.5,00,000/- and give it to me. As such, on 11.01.2024, I transferred Rs.5,00,000/- in the account of the above said accused Sandeep (petitioner). Complainant further averred that after that, above-mentioned accused persons did not arrange/get for further visa for my son to Germany and while my son was staying in Baku, which is an unknown country, his passport was also deposited there. After this, my son stayed in the hotel for three months and during this time, whatever money my son had was also finished and after this my son fell into bad condition there and in this way, above said accused persons in connivance with each other had stuck/trapped my son in Baku, an unknown country. instead of sending him to Germany, from where my son managed to escape with great difficulty and reached to his home. Complainant further averred that after my son returned home, I spoke to the above said accused persons and I told them that you have cheated me, give me my money back. So the above accused persons said that our job is to fool people and extract money from them and the accused persons openly threatened me by saying that if you come to us again to ask for money, then, we will implicate you in a false case or we will get you killed. We are having high links. No one will be able to harm us. Therefore, by submitting application, complainant requested to take legal action against the above mentioned culprits by committing fraud. On

*the basis of complaint, present case FIR was registered u/s 420/406/120-B IPC at Police Station Sadar Fatehabad against three accused persons namely 1. Sandeep Kumar (petitioner); 2. Pooja and 3. Vikesh Chnader and investigation was carried out.”*

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State's counsel opposes bail and refers to the status report.

7. It would be appropriate to refer to the following portions of the status report, which reads as follows:

*“F. The Evidence against the Petitioner*

*That complainant Puran Chand averred in detail in his complaint against Sandeep Kumar and other accused persons regarding the promise of sending his son to Germany and about the grab of Rs.15,00,000/-. Records of bank accounts showed that Rs.5,00,000/- have been transferred on 30.06.2023 and Rs.5,00,000/- have been transferred on 11.01.2024 in the account of Sandeep Kumar. (Annexure R-4). As per disclosure statement of co-accused Pooja, she admitted that she collected Rs.3,00,000/- in cash on his instruction of petitioner-accused Sandeep Kumar and later, gave that money to him. Petitioner-accused Sandeep Kumar also admitted in his disclosure statement about doing "Emigration work" and cheating people with his friend Vikesh Chander Halwar and they opened an office in Delhi for this purpose. He also confessed to duping Rs.15 lakhs from Ajay and his family, receiving Rs.10 lakhs in his account, and Rs.3 lakhs in cash. He also disclosed that co-accused Vikesh Chander received Rs.2 lakhs. During investigation, victim Ajay also identified Sandeep Kumar. Petitioner-accused Sandeep Kumar recovered Rs.10,000/- from the extorted money during police remand.*

*G. The role of the petitioner*

*That present petitioner-accused Sandeep Kumar appears to be the central figure in the fraudulent scheme. He initially approached the complainant, promised to send his son to Germany, and quoted the fee of Rs.15,00,000/-. He received a significant portion of the extorted money directly into his bank account (Rs.10,00,000/-) and was the recipient of the cash payment (Rs.3,00,000/-) collected by his wife. Petitioner-accused Sandeep Kumar arranged for the complainant's son to be sent to Baku on a tourist visa instead of Germany and his son stranding there. Petitioner-accused Sandeep Kumar along with other accused persons threatened the complainant when confronted about the money.”*

**REASONING:**

8. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. As per paragraph 13 of the bail petition, the petitioner has been in custody since 26.12.2024. As per the custody certificate dated 01.09.2025, the petitioner's total custody in this FIR is 08 months and 03 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

10. Given the above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above, subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 10,000.

11. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, the surety is capable of producing the accused. However, instead of surety, the petitioner may provide a fixed deposit of INR 10,000/-, with a clause that the interest shall not be accumulated in FD, either drawn from a State-owned bank or any bank listed on the National Stock Exchange and/or Bombay Stock Exchange, in favour of the "Chief Judicial Magistrate" of the concerned Sessions Division; or a fixed deposit made in the name of the petitioner, with similar terms and with endorsement from the banker stating that the FD shall not be encumbered or redeemed without the permission of the concerned trial Court, or until the surety bond has been discharged.

12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. This order is subject to the petitioner's complying with the following terms.

14. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case, or dissuade them from disclosing such facts to the Police or the

Court.

15. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

16. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

17. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

18. In Amit Rana v. State of Haryana, CRM-18469-2025 [Decided on 05.08.2025], in CRA-D-123-2020], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that "To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished."

19. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)  
JUDGE

09.09.2025

Jyoti-II

Whether speaking/reasoned: Yes  
Whether reportable: No.