

CRM-M-31656-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-31656-2025  
Reserved on: 01.08.2025  
Pronounced on: 29.08.2025

Akash Sharma ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sachin Sharma, Advocate for the petitioner.

Mr. Akshay Kumar, A.A.G., Punjab.

\*\*\*\*

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
436	14.12.2024	City Ferozepur, District Ferozepur	420, 120-B IPC and 13 of Punjab Travel Professionals (Regulation) Act

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. Per paragraph 9 of the bail petition, the petitioner has no criminal antecedents.

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

*“4. That brief facts of the case are that the present case was registered on the statement of Poonam Arora wife of Raj Kumar Arora, resident of New Delhi against 1)Alia wife of Hasan Haji, 2)Renu Sood, 3)Megha Sood 4)Akash Sharma (present petitioner) and 5)Dilpreet Singh, on the basis of complaint made before Senior Superintendent of Police Ferozepur on the allegations that her daughter Pooja Arora was desirous to go abroad and her son-in-law Harish Karki gave full cooperation to her in this regard. The complainant contacted Alia wife of Hasan Haji, resident of Nazushah Mishri, Tehsil and District Ferozepur. for sending her daughter Pooja Arora, son-in-law Harish Karke and their daughter Ridhima to abroad. Alia assured to send them to Canada on payment of Rs.18 Lacs. They handed over their documents to her and made payments through online transactions in the account of different persons at her instance. Accused Alia disclosed the name of her firm*

*as H & M Immigration and Edu Care, but on being enquired, they came to know that the said firm was not registered. When the complainant approached Alia, she informed them that Renu Sood and Megha Sood have been running registered firm and she would arrange Visa for them through the firm of said Renu Sood and Megha Sood. However, Alia failed to arrange Visa for them., Alia executed an affidavit/agreement on stamp paper on 20.03.2024, vide which she agreed to send them to Canada on payment of Rs. 18 Lac already received by her. Thereafter, they tried to contact Alia many times but she was not available and even her office was found locked.”*

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

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

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

*“ROLE OF PETITIONER*

*That so far as the role of Present petitioner is concerned, he was specifically named in the FIR by the complainant as he is also one of the associate of the other co-accused who gave assurance along with present petitioner to send the daughter and son in law of the complainant to abroad and received huge amount. The present petitioner was very much present at the time of deal between the parties. The recovery is yet to be effected in this case.”*

7. Allegations are of duping the complainant by the petitioner and co-accused. Perusal of the petition and status report shows that no amount whatsoever has been credited to the account of the petitioner and he is not the main accused. Per affidavit Annexure P-2, the complainant submits that she has no objection if Renu Sood and Megha Sood are declared innocent who are the main accused and name of petitioner is nowhere mentioned.

8. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

9. Given the above, the penal provisions invoked 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 custodial interrogation or the pre-trial incarceration at this stage. 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. This order shall come into force from the time it is uploaded on this Court's official webpage.

10. The investigation indicates that the petitioner is not the main accused, so the petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

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 is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

15. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

**16. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to 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. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

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

(ANOOP CHITKARA)  
JUDGE

29.08.2025  
Jyoti Sharma

Whether speaking/reasoned: Yes  
Whether reportable: No.