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

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**CRM-M No.20678 of 2025
Date of decision: 17.07.2025**

Avtar Singh and another ... Petitioners

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Inderjit Sharma, Advocate,
for the petitioners.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

Mr. Gagandeep Singh Virk, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioners under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
0018	20.03.2025	Women Cell, Ludhiana	61(2) and 318(4) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”)

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR has been registered on a

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complaint submitted by complainant Gurcharan Singh alleging therein that in the year 2020, the present petitioners and their daughter Harpreet Kaur came into contact with him. They had disclosed that Harpreet Kaur had cleared her IELTS examination and offered to perform her marriage with Manpreet Singh son of the complainant by saying that if the complainant spent money for issuance of visa and study of Harpreet Kaur in Canada, then she could settle there and could also take son of the complainant along with her. After giving due deliberations, the complainant accepted the proposal with intent to settle his son abroad. The petitioners also told the complainant that the marriage would be solemnized only on making all arrangements by the complainant for sending Harpreet Kaur to Canada including taking care of the expenses involved. They also assured that the son of complainant would be settled in Canada as a permanent resident. The marriage between Harpreet Kaur and Manpreet Singh was performed on 30.04.2020 during the lockdown period, because of outbreak of Covid 2019. Soon after the marriage, the petitioners and their daughter started exerting pressure upon the complainant to arrange for money so much so that he was constrained to sell his residential house. He arranged money and transferred an amount of Rs.17 lakhs in the account of the petitioners/their daughter. A sum of Rs.6 lakhs was handed over to Harpreet Kaur in cash. Harpreet Kaur had

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gone to Canada in the year 2021 and it was only after making pursuant efforts that the son of the complainant was called by her to Canada only on 28.10.2022. Soon thereafter, the petitioners and their daughter started demanding another amount of Rs.10 lakhs from them and otherwise extended threats to get his son deported to India and also extended threat to involve them in false cases. On account of inability of the complainant and his son to arrange for that much amount, Harpreet Kaur sent notices for seeking divorce. By alleging that since the very beginning. the petitioners and their daughter had ill intention to deceive the complainant and his family members and to extract money from them and they had cheated and played fraud upon them. As such, he urged for taking action. The aforementioned FIR was registered. Investigation proceedings have been initiated and are underway. Apprehending their arrest, the petitioners moved application for grant of pre arrest bail which was dismissed by the Court of learned Additional Sessions Judge, Ludhiana vide order dated 11.04.2025.

3. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case. After performance of her marriage with Manpreet Singh, their daughter Harpreet Kaur had gone to Canada on 04.09.2021 after completion of all formalities of issuance of her visa. She had applied for issuance of spouse visa for her husband shortly after

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going there and it was due to her efforts that visa was issued in favour of her husband on 28.10.2022. There was neither any intent to cheat or commit fraud on the part of the petitioners or their daughter nor allegations as levelled in the FIR made out any case for commission of these offences. The son of the complainant is still living in Canada infact it was he who had started harassing and maltreating Harpreet Kaur due to which she was compelled to live separately from him. He did not mend his ways. To harass the petitioners and their daughter, the present FIR was registered. Much after filing divorce petition by their daughter, marriage between their daughter and Manpreet Singh now stood dissolved. They are ready to join the investigation. Their custodial interrogation is not required. No recovery is to be effected from them. It is, therefore, argued that they deserve to be extended benefit of pre arrest bail.

4. Reply by respondent No.1-State has been filed. Learned Assistant Advocate General, Punjab assisted by learned counsel for the complainant has argued that there are serious and specific allegations against the petitioners who hatched a conspiracy to deceive the complainant and his son and in pursuane of that conspiracy induced the complainant to part with sum of Rs.17 lakhs for the purpose of facilitating issuance of visa for Canada for their daughter and are further

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alleged to have cheated the complainant as the co-accused Harpreet Kaur got separated from the son of the complainant and also got a decree of divorce issued in her favour. No exceptional circumstance for grant of pre arrest bail is made out in favour of the petitioners. Their custodial interrogation is required for conducting thorough investigation. It is, therefore, urged that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. As per the allegations, though the petitioners got performed the marriage of their daughter with the son of the complainant but he was extended threats of deportation on reaching Canada and a divorce petition had also been filed. It is undisputed that now a divorce decree has been passed between Harpreet Kaur and Manpreet Singh and Manpreet Singh is living in Canada only. It is a question of debate as to whether the petitioners had the intention to cheat the complainant since the very beginning of the marital relationship between their children or that they had any intention to deceive the complainant party at all. Such question can be determined only after thorough assessment and evaluation of the evidence to be produced during trial and not at this stage. Given the peculiar nature of the allegations as levelled against the petitioners, this Court is of the considered opinion that no case for pre trial incarceration of the petitioners is made out. As such, they deserve to be extended

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benefit of pre arrest bail. Accordingly, the petition is allowed and the petitioners are ordered to be extended benefit of anticipatory bail, subject to their surrendering before the Investigating Officer/Arresting Officer within a period of ten days from the date of passing of this order and shall join investigation and on their surrender within that period, they shall be released on bail by the Investigating Officer/Arresting Officer on their furnishing personal/surety bonds to its satisfaction and subject to the following conditions:-

(i) The petitioners shall cooperate with the investigation and shall appear before the Investigating officer/Arresting officer as and when required.

(ii) They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer.

(iii) They shall deposit their passport if any, with the jurisdiction Magistrate/trial Court.

(iv) They shall not leave the country without prior permission of the Court.

7. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for

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cancellation, if any, and pass appropriate orders in accordance with law.

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

17.07.2025

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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No