IN THE COURT OF SHRI RAJINDER AGGARWAL, SESSIONS JUDGE, HOSHIARPUR

(1)

CIS No. BA-173-2026
CNR No. PBHO01-000500-2026
Date of Registration: 17.01.2026
Date of Order **31.01.2026**

Karan Singh, aged 38 years, son of Mulakh Raj, Resident of House No.536, Dhani Sheikhan Wali, Dariyapur, District Fatehabad (Haryana).

….Applicant

Versus

State of Punjab

….Respondent

(2)

CIS No. BA-174-2026
CNR No. PBHO01-000501-2026
Date of Registration: 17.01.2026
Date of Order **31.01.2026**

Mukesh Kumar, aged 31 years, son of Jethu Ram, Resident of Dhani Sheikhan Wali, Dariyapur, District Fatehabad (Haryana).

….Applicant

Versus

State of Punjab

….Respondent

FIR No.86 dated 21.06.2024
Under section 420 of Indian Penal Code,
Police Station Mukerian, District, Hoshiarpur

Present: Sh.DDS Nayyar, Advocate, counsel for the applicants-accused
Sh. Pawanpreet Singh, Addl. Public Prosecutor for the State

ORDER:-

1. Both these bail applications have been taken up together for hearing as the same have arisen out of the same FIR bearing No.86 dated 21.06.2024, under Section 420 of Indian Penal Code, Police Station Mukerian, District, Hoshiarpur. Applicants-accused Karan Singh and Mukesh Kumar have moved the instant bail applications seeking

anticipatory bail in the aforesaid FIR.

2. Arguments heard. The FIR has been registered on the basis of complaint made by Smt.Ramesh Kaur. As per her aversion, her son Jasbir Singh had been living in Armenia. One Kulwinder Singh son of Surjit Singh had also been living with him. Kulwinder Singh had represented the complainant and her son that Karan Singh helps the people in getting visa for Portugal. He had provided the mobile number of Karan Singh to the complainant. During the telephonic conversation with Kulwinder Singh, it was settled that he will send five persons to Portugal for ₹9,50,000/-. On 02.01.2024, the complainant transferred the amount of ₹9,50,000/- from her bank account to two accounts, the number of which are mentioned in the complaint. Those accounts are of both the applicants. As per the record the amount of ₹Eight Lakh had been transferred in the said accounts.

3. The police conducted the inquiry prior to registration of the FIR. During the inquiry the police had exonerated Kulwinder Singh on the ground that even his father had transferred ₹Three Lakh to the bank account of the accused and he is also vicitim.

4. The Learned counsel for the applicant has argued that applicants were never joined in the inquiry. He has argued that infact Kulwinder Singh is cousin of both the applicants. He had borrowed ₹Ten Lakh from them when he had left the country. Kulwinder Singh was to repay the said amount to the applicants. Kulwinder Singh got transferred the amount to the bank accounts of the applicants through his friend Jasbir Singh, who had been living with him in Armenia. The father of Kulwinder Singh got

transferred ₹Three Lakh to the bank accounts of the applicants. He has argued that the complainant allegedly talked to the applicants on their mobile phones but even their mobile numbers have not been mentioned in the complaint. There has never been any meeting between the complainant and the accused-applicants. He has argued that the details of four other persons who were allegedly to be sent to Portugal have not been disclosed even during the inquiry. He has submitted that applicants are ready to join the investigation and anticipatory bail may be granted to them.

5. On the other hand, learned Additional Public Prosecutor has argued that applicants have cheated the complainant of the huge aount of Rs.Eight Lakh by mis-representing that they would send her son and other persons to Portugal. He has argued that the custodial interrogation of the applicants is necessary for the proper investigation of the case.

6. The applicants did not join the inquiry. The notices were served upon their parents. However, the learned counsel for the applicants submit that they are not living with their parents. The applicants have admitted the receipt of amount of ₹Eight Lakh through the bank transfers. The question as to if the said amount had been transferred to their bank accounts by the complainant in pursuance of inducement made by the applicants or in order to pay the amount on behalf of Jasbir Singh, is a disputed question of fact. The Investigating Officer has recorded a entry in his case diary that arrest of the applicants is necessary for the proper investigation of the case. However, mere recording of the said entries is not sufficient. Rather the Investigating Officer has to show that ground for arrest of the applicants is

made out as per provisions of Section 41(b)(i) of Code of Criminal Procedure. As per the entry, the arrest of the applicants is required to effect the recovery of the amount in question but this is not one of the grounds as mentioned in Section 41 of of Code of Criminal Procedure.

7. Keeping in view the facts and circumstances of the case, the applicants are directed to join the investigation by causing their appearance before the Investigating Officer within three days and in the event of their arrest, they shall be admitted to bail on furnishing bail bonds to the satisfaction of the Investigating/Arresting Officer and the applicants shall remain bound by the conditions as mentioned in Section 482(2) of the of Bharatiya Nagarik Suraksha Sanhita, 2023.

8. The instant applications are adjourned to 11.02.2026 for consideration. Copy of the order be placed on file of connected bail application.

(Rajinder Aggarwal)
Sessions Judge, Hoshiarpur.
(UID No.PB0048)

Date of Order: 31.01.2026
Suresh Sood, Stenographer