

Birinder Pal Singh Vs. State of Punjab
BA No.1429/2026

FIR No.81 dated 9.04.2026,
Under Section :- 318(2) IPC.
Police Station :- City Moga.

**Application under Section 482 of BNSS for grant of
anticipatory bail.**

Present :- Shri Sukhwinder Singh Sidhu, Advocate for accused/applicant,
namely Birinder Pal Singh
Shri Sukhdev Singh, Additional Public Prosecutor for the State

Order :

1. Apprehending his arrest, the accused/applicant has filed instant application under Section 482 of BNSS, for grant of anticipatory bail. The concerned Ahlmad has reported that as per CIS system this is the first bail application.

2. On 14.05.2026, ASI Nirmal Singh, No.8/Moga, Police Post Focal Point, Police Station City Moga had produced the record and had made the statement that no bail application of the accused/applicant has been decided by this Court. No such bail application has been decided by the Hon`ble High Court or is pending before the Hon`ble High Court, in this case. As per information, there were chances of compromise between the parties and he would produce the complainant before this court

3. On 4.06.2026, accused/applicant Birinder Pal Singh suffered separate statement that he has effected compromise with the complainant Naveen Sethi for a sum of Rs.5,00,000/- in lumpsum. Out of said amount, he would pay Rs.1,00,000/- on 10.06.2026 to the complainant in the court and would pay Rs.2,00,000/- on 13.07.2026 and would pay remaining Rs.2,00,000/- on 13.08.2026 before the learned trial court. He would remain bound by the compromise. After receiving the entire amount, the complainant would withdraw his complaint under Section 138 of Negotiable Instruments Act filed against him. In case, he fail to make any of the instalment, appropriate action be taken against him.

4. The complainant Naveen Sethi also suffered statement that he

has heard the statement of accused/applicant Birinder Pal Singh and the same is correct. He has effected compromise with the accused/applicant for a sum of Rs.5,00,000/- in lumpsum. Out of said amount, he would pay Rs.1,00,000/- on 10.06.2026 to the complainant in the court and would pay Rs.2,00,000/- on 13.07.2026 and would pay remaining Rs.2,00,000/- on 13.08.2026 before the learned trial court. After receiving the entire amount, he would withdraw his complaint under Section 138 of Negotiable Instruments Act filed against the accused/applicant. They would remain bound by the compromise. He has no objection, if the accused/applicant is granted anticipatory bail in this case.

5. Arguments heard. Learned counsel for the accused/applicant has argued that the accused/applicant is innocent and the police has falsely implicated him in this case. Learned counsel further argued that there was monetary dispute between the accused/applicant etc. and the complainant. Thus, from the facts of the case, present case was of civil nature and is based on documentary evidence. Nothing was to be recovered from the possession of the accused/applicant. He has apprehension of his arrest as the police is raiding his residence. His custodial interrogation is not required and he is ready to join the investigation. Presentation of challan and conclusion of trial will take long time and no purpose would be served by sending the applicant behind the bars. The accused/applicant will not make any kind of threat or inducement to any person, who is acquainted with facts of the case. Thus, the applicant may kindly be granted concession of pre-arrest bail.

6. On the other hand, learned Additional Public Prosecutor for the State contested the bail application and has argued that applicant/applicant has committed offence punishable under Section 318(2) IPC. For the purpose of thorough investigation, custodial interrogation of the accused/applicant is required. As such, the accused/applicant is not entitled to get concession of anticipatory bail.

7. This Court has heard learned counsel for accused/applicant, learned Additional Public Prosecutor for the State and perused the record. Present case has been registered on the complaint bearing No.460-PC-

4/25 dated 12.03.2025 moved by Naveen Sethi son of Ashok Kumar addressed to the Senior Superintendent of Police, Moga against Barinder Pal Singh Sandhu son of Pirthi Singh, owner of Blue Coast Immigration Services, Faridkot. It is claimed that his daughter Sunaina Sethi had passed IELTS course and wanted to go abroad for further studies. In this regard, in June 2023, he contacted Barinder Pal Singh, who disclosed them that he has already sent many children abroad for studies. Thereafter on the demand of agent Barinder Pal Singh, on 11.07.2023, he transferred Rs.5,40,000/- from his account No.637210110004066; on 12.07.2023, he transferred Rs.5,48,000/- from the account of his wife Neelam Sethi bearing No.637210110003862 and on 26.07.2023, he transferred Rs.6,38,000/- in the account of Alex Forex Company from the account of his daughter Sunaina Sethi bearing No.921020002144227. Thereafter, as and when he enquired from Barinder Pal Singh regarding visa of his daughter, he put off the matter on lame excuses. When he strictly asked, then he said that their visa was refused and he already mailed a request for refund of fee and GIC. After some time, they came to know that Barinder Pal Singh had neither filed case of his daughter before Embassy nor he sent any free to the collect nor he got opened any GIC account. The accused himself opened Alex Forex Company. As such, Barinder Pal Singh cheated him to the tune of Rs.17,26,000/- on the pretext of sending his daughter abroad on study visa. Though he returned Rs.6,84,000/-, but he had not returned Rs.10,42,000/- to him. Then he moved complaint bearing No.3961-PC-7/24 before Economic Offences Wing, Moga, there Barinder Singh returned him Rs.1,80,000/- and executed agreement to return remaining amount of Rs.8,62,000/- in instalments. However, he did not honoured the said agreement. As such, Barinder Pal Singh spoiled the future of his daughter by committing cheating with them. Action be taken against him and justice be done to him.

8. The said complaint was marked to Economic Offices Wing, Moga, who conducted enquiry and recorded the statements of witnesses and submitted his report bearing No.158-PC-EO. On the basis of his report and after taking legal opinion from District Attorney(Legal) Moga,

FIR under Section 420 IPC was registered.

9. In the present case, as per the allegations of the complainant, the accused/applicant has committed cheating of Rs.17,26,000/- on the pretext of sending daughter of the complainant abroad on study visa. But he neither send daughter of the complainant abroad nor returned their money. Later on filing complaints, he returned Rs.8,64,000/- and had not returned remaining amount of Rs.8,62,000/-. However, today the accused/applicant as well as the complainant suffered separate statements, stated above that they have effected compromise. From the aforesaid version, it is observed that the criminal liability of the accused/applicant is a matter of trial and he is ready to join the investigation and cooperate in the investigation. As such, his custodial interrogation is not required with the investigating agency.

10. Thus, in view of my above discussion, the applicant/accused is granted interim bail and he is directed to appear before the Investigating Officer and join the investigation within a period of 7 days and in the event of his arrest, he be released on furnishing the bail bonds in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the Investigating Officer/Arresting Officer. This bail order is subject to the following conditions:-

I) That the applicant shall join the investigation as and when called by the investigating officer;

II) That the applicant 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 from disclosing such facts to the Court or to any police officer;

III) That the applicant shall not leave the country without prior permission of the Court.

Now, to come come up on 12.06.2026 for awaiting report of Investigating Officer.

**Pronounced in open Court,
On 5.06.2026.**

Jaggiit Singh Panesar, Stenographer-I

**(Muneesh Arora)
Additional Sessions Judge,
Moga (UID No.PB00135)**