2026:PHHC:059955

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-21565-2026

Lehna Singh

....Petitioner

versus

State of Punjab and another

....Respondents

Date of Decision: April 21, 2026
Date of Uploading: April 21, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Fatehjeet Singh, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

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SUMEET GOEL, J. (Oral)

Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner, in case bearing FIR No.22 dated 24.01.2026, registered for the offences punishable under Sections 406, 420 of the Indian Penal Code, 1860 (for short 'IPC') and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014, at Police Station Sadar Kapurthala, District Kapurthala.

2. The gravamen of the allegations against the petitioner is that Lehna Singh (*petitioner herein*), along with Gurpreet Singh, allegedly cheated the complainant of ₹35 lakhs on the pretext of sending his son, Gurpinder Singh, to America. It is alleged that the first meeting took place in

June 2022, during which petitioner and Gurpreet Singh were present. The deal was finalized for ₹35 lakhs. An advance amount of ₹5 lakhs, along with important documents including the passport, PAN card, and Aadhaar card, was handed over. The petitioner counted the money and passed it on to Gurpreet Singh. On 31.05.2022, ₹4.5 lakhs were withdrawn, while ₹50,000 was already available in cash. Additionally, ₹12 lakhs were taken from Amarjit Singh, and ₹10 lakhs were withdrawn on 09.06.2022. Subsequently, the petitioner, along with Gurpreet Singh, visited the complainant's house, where a total amount of ₹30 lakhs was paid in the presence of Joga Singh, Gurpinder Singh, and Narvail Singh.

3. Learned counsel for the petitioner has iterated that a bare perusal of the FIR itself shows that allegations leveled against the petitioner are concocted, improbable and devoid of any merit. Learned counsel has further iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that alleged incident had taken place in the year 2022, whereas, the complainant moved complaint in September, 2025 after inordinate delay of 03 years. Learned counsel has submitted that alleged cash transactions are not supported by any independent documentary proof. Learned counsel has further submitted that the dispute in question is purely civil in nature arising out of financial transactions and the complainant has already availed civil remedy by filing a civil suit against the petitioner and his brother-in-law for recovery of Rs.28 lakhs. Learned counsel has further argued that the petitioner is, in fact, a commission agent having a firm in the name and style of Seerat Trading Company. It has been asserted that the complainant had prepared false agreement in respect of sending his son abroad.

3.1. Learned counsel asserts that the custodial interrogation should not be used as a punitive measure and is justified only when absolutely necessary for the recovery of material evidence. Learned counsel has argued that nothing is to be recovered from the petitioner. Furthermore, the petitioner is ready to join the investigation and, hence, no useful purpose would be served by sending him behind the bars. On the aforesaid submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. Learned State counsel has asserted that the petitioner has been specifically named in the FIR in question to the effect that the complainant had paid substantial amount to the petitioner and his co-accused in order to send his son abroad, but the petitioner, instead, cheated the complainant. According to learned State counsel, the offence committed by the petitioner caused substantial financial and emotional distress to the victim. Considering the seriousness of the allegations, custodial interrogation of the petitioner maybe necessary to unearth the broader conspiracy, identify co-accused and recover the ill-gotten money. Given the severity of the offence, there exists a substantial likelihood that the petitioner may abscond or tamper with the evidence, if he is enlarged on bail. On the strength of these submissions, dismissal of the petition in hand is entreated for.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. As per the case put forth in the FIR in question, the allegations against the petitioner are grave and specific. The petitioner and his co-

accused are specifically named in the FIR and there are direct and specific allegations regarding defrauding/cheating the complainant on the pretext of sending son of the complainant aboard.

6.1. The offence in question does not merely involve financial deceit but strikes at the very fabric of social trust, involving elements of human trafficking and cross-border immigration fraud, which are not only grave in nature but also have far-reaching consequences on public order. Cases of this nature, where vulnerable individuals are lured with false promises of lawful migration and are subsequently subjected to exploitation, fall within the ambit of organized human trafficking and merit strict judicial scrutiny and deterrence. Human trafficking under the garb of immigration consultancy is a growing menace which preys upon the desperation and dreams of unsuspecting citizens. The Courts must remain vigilant and ensure that such rackets are not emboldened by leniency at the pre-trial stage. The fraudulent inducement for illegal migration, followed by subjecting individuals to inhumane and life-threatening conditions abroad, not only reflects criminal intent but also constitutes a serious affront to human dignity and national interest. The Court cannot overlook the broader public interest involved in cases of immigration fraud, especially when they border on transnational human trafficking. Such offences necessitate a strong and principled judicial response to prevent their recurrence.

6.2. Such offences strike at the core of public trust and reflect a disturbing trend prevalent in this region, where unscrupulous individuals posing as travel facilitators exploit the aspirations of innocent citizens seeking opportunities abroad. These fraudulent activities not only cause severe financial and emotional distress but also undermine the integrity of lawful immigration systems. Therefore, individuals involved in such organized deceit must be dealt with firmly and in accordance with the law, leaving no room for leniency.

6.3. Furthermore, the investigating agency has sought the custodial interrogation of the petitioner for effective recovery, verification of facts, and to establish the broader conspiracy, if any, behind the occurrence. No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR. It goes without saying that in the instant case, the complainant has categorically stated that the petitioner had defrauded the complainant of a substantial amount under the false pretext of facilitating legal migration of his son to abroad, which caused severe financial and emotional distress.

7. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interests. The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039]***, the Supreme Court held as under : (SCC p. 189, para 6)

> "*6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.*"

8. In view of the seriousness of the allegations, this Court finds no compelling ground to extend the benefit of discretionary relief to the petitioner. Moreover, custodial interrogation of the petitioner is necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby **dismissed**.

9. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

April 21, 2026
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No