



CRM-M-33912-2026

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

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CRM-M-33912-2026

Lehna Singh and another

...Petitioners

V/s

State of Punjab and another

...Respondents

Date of decision: 08.07.2026**Date of Uploading : 08.07.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

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

Mr. Adhiraj Singh Thind, AAG Punjab.

Mr. L.S. Lakhanpal, Advocate for respondent No.2.

SUMEET GOEL, J. (Oral)

1. Present second petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'BNSS') for grant of pre-arrest/anticipatory bail to the petitioners, in case bearing FIR No.22 dated 24.01.2026, registered for the offences punishable under Sections 406 and 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 petitioners is that they, allegedly induced the complainant, Tega Singh, on the pretext of facilitating the immigration of his son namely Gurpinder Singh, to the United States of America (USA). As per the complainant, he had paid a total sum of ₹35,00,000/- to the accused person. However, neither any visa of the USA has been arranged/secured for the son of the complainant nor amount



in question has been refunded. Instead the son of the complainant was sent to Thailand, where he remained for about one month and Dubai where he remained for two months. On the basis of the aforesaid allegations, the instant FIR came to be registered against the accused persons.

3. Learned counsel for the petitioners has iterated that there has been a material change in the circumstances since the dismissal of the earlier bail petition(s). Learned counsel has further iterated that after the dismissal of the petition by the Hon'ble Supreme Court, the parties have amicably resolved their dispute and a compromise dated 30.05.2026 has been executed between them. On the strength of the said compromise, it has been argued that the petitioners deserve the concession of anticipatory bail and no useful purpose would be served by sending them behind the bars.

4. At the outset, learned State counsel has submitted that the present petition is not maintainable as the first anticipatory bail petition preferred by the petitioners was dismissed on merits. According to learned State counsel, there is no substantial change in the circumstances which entitles the petitioners to maintain the present second petition espousing the same cause. On merits, learned State counsel has iterated that the present petition is nothing but an attempt to circumvent the order passed by the Hon'ble Supreme Court. It has been further contended that despite the specific liberty granted by the Hon'ble Supreme Court to surrender before the competent Court and seek regular bail, the petitioner has consciously chosen not to comply with the said direction. Instead of surrendering before the Court below, the petitioners have approached this Court for a second time seeking the very same relief of anticipatory bail, which already stands declined by this Court as well as by the Hon'ble Supreme Court. It has been



further contended that the alleged compromise cannot be treated as a changed circumstance warranting reconsideration of a prayer for grant of anticipatory bail particularly.

5. Learned counsel appearing for the respondent No.2 has contended that the compromise has been effected between the parties.

6. Before delving further into the matter, it would be apposite to refer herein to the earlier dismissal order passed by this Court; relevant whereof reads as under:

“6. As per the case put forth in the FIR in question, the allegations against the petitioner are grave and specific. The petitioner and her 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, but the petitioner and his co-accused neither honored their promise nor had returned the money in question to the complainant.

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 him 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 [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**.”*

7. At the outset, this Court finds that the present petition is wholly misconceived and not maintainable. The earlier petition preferred by petitioners seeking anticipatory bail was dismissed by this Court by a reasoned and detailed order dated 24.02.2026 and 21.04.2026 respectively. Thereafter, the petitioner No.2 has posed challenge thereto before the Hon’ble Supreme Court but also did not succeed. The Hon’ble Supreme Court, while declining interference, granted a limited indulgence to the petitioner No.2 by observing that in case he surrendered within two weeks and moved an application for grant of regular bail, the same be considered on merits. However, the petitioner No.2, instead of complying with the said order, has again approached this Court seeking the concession of anticipatory bail. Such a course is impermissible particularly when the plea for grant of anticipatory bail has already been declined upto the Hon’ble Supreme Court. The only circumstance sought to be projected by the petitioners as a fresh ground is the alleged compromise dated 30.05.2026. However, the same does not advance the case of the petitioners as the compromise cannot override or dilute the directions issued by the Hon’ble Supreme Court. The conduct of the petitioner assumes significance. Despite being afforded an opportunity by the Hon’ble Supreme Court to surrender



and seek regular bail, he has failed to do so. This Court is, therefore, of the considered opinion that no fresh circumstance has arisen which would justify entertaining a second petition for anticipatory bail, particularly when the earlier order of rejection has attained finality upto the Hon'ble Supreme Court and the petitioner No.2 has failed to comply with the liberty granted therein.

8. In view of above ratiocination, it is directed as under:

(i) The instant petition, being devoid of merit, is hereby dismissed at this stage.

(ii) Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.

(iii) Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

July 08, 2026

Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No