



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

225

CRM-M-28648-2026
Decided on : 07.07.2026

PARGATI GUPTA

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Gurnoor Singh Sethi, Advocate,
for the petitioner.

Mr. Vinay Malhotra, DAG, Punjab.

Mr. Gaurav Vir Singh Behl, Advocate, for the complainant.

SANJAY VASHISTH, J.

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking grant of regular bail to the petitioner, in FIR No.06 dated 06.01.2026 registered under Sections 318(4), 316(2), 61(2) and 238 BNS, 2023 (corresponding to Sections 420, 406, 120-B and 201 IPC) and Section 13 of the Punjab Travel Professional Act, 2014, at Police Station City-1, District Malerkotla.

2. Case of the prosecution, in brief, is that complainant-Rohit Kumar, alleged that he, along with his wife Priya Ahuja and daughter Kashvi, approached co-accused Sachin Gupta and Saurav Gupta, who were allegedly running an immigration consultancy business under the



name and style of "Canada PR Advisory", Patiala, for obtaining permanent residency in Canada for himself and his family members.

It is alleged that complainant and his family paid total amount of Rs.42,05,392/- through various bank transfers, cheques, Google Pay transactions and cash payments into different bank accounts, allegedly on the directions of the co-accused.

3. Counsel for the petitioner submits that the only allegation against present petitioner is that an amount of Rs.3,32,500/- was deposited through Cheque No.258175 into her bank account, allegedly on the directions of her husband/co-accused, Saurav Gupta.

4. Learned counsel for the petitioner submits that petitioner is a woman, aged about 36 years, and is the mother of two minor children aged about 7 years and 3 years, respectively, who are wholly dependent upon her care and upbringing. It is contended that petitioner has been falsely implicated, merely on account of her relationship with co-accused Saurav Gupta, and no specific role has been attributed to her, either in the alleged immigration consultancy business or in inducing the complainant party to part with the money.

It is further submitted that, even as per the case of prosecution, immigration process had, in fact, been initiated and the work permit *visa* of the complainant's wife-Priya Ahuja, had already been issued by the Canadian authorities. Thus, the essential ingredient of dishonest intention at the inception of the transaction, necessary to constitute the offence of cheating, is *prima facie* absent. At best, the



dispute arises out of monetary transactions relating to immigration consultancy services and predominantly bears a civil flavour.

5. Learned counsel further submits that provisions of Section 13 of the Punjab Travel Professionals Regulation Act, 2014, are not attracted, as even according to the prosecution, the consultancy concern "Canada PR Advisory" was a duly established and licensed agency, and there is no allegation that it was being operated without a valid licence or in contravention of the statutory provisions.

It is further submitted that investigation stands concluded and *challan* has already been presented before learned Trial Court. Prosecution case rests primarily on documentary and banking evidence, which is already in possession of the investigating agency. Therefore, no further custodial interrogation of the petitioner is required.

6. Learned counsel submits that petitioner, being a woman, is in judicial custody since 03.03.2026, i.e. for a period of about four months.

7. Learned counsel fairly submits that, apart from the present case, petitioner is also involved in one other criminal case. However, it is contended that petitioner, being a home maker and a woman, was neither managing nor controlling the affairs of the business, which was being run by her husband and brother-in-law. It is argued that she has been implicated solely because of her relationship with the principal accused and has been made a scapegoat in the criminal proceedings initiated against them.



8. Learned counsel further submits that co-accused Saurav Gupta has already been granted the concession of regular bail by a Coordinate Bench of this Court, vide order dated 12.06.2026, passed in CRM-M-33282-2026. Likewise, co-accused Sachin Gupta has also been granted the concession of regular bail, vide order dated 12.06.2026 passed in CRM-M-33266-2026. It is pointed out that both the co-accused were enlarged on bail after undergoing incarceration for a period of approximately two months and eight days, whereas present petitioner has remained in custody for a period of about four months. On the grounds of parity, coupled with the nature of allegations and petitioner's continued incarceration, learned counsel prays that she be granted the concession of regular bail in the present case.

9. On the other hand, learned State counsel, while opposing the petition, is unable to dispute any of the factual assertions advanced on behalf of the petitioner before this Court. Nevertheless, he submits that, considering the nature of the allegations, petitioner does not deserve the concession of regular bail, and accordingly, prays for dismissal of the present petition.

10. After hearing learned counsel for the parties at length and perusing the material available on record with their able assistance, this Court finds merit in the submissions advanced on behalf of the petitioner.

11. It is pertinent to note that Legislature has consciously incorporated a special provision to ensure that certain categories of accused, including women, children, and persons who are sick or infirm,



are not unnecessarily kept in prolonged custody. In this regard, reference is made to Section 480(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, which reads as under:-

“480. When bail may be taken in case of non-bailable offence.

(1) When any person accused of, or suspected of, the commission of any non-bailable offence is arrested or detained without warrant by an officer in charge of a police station or appears or is brought before a Court other than the High Court or Court of Session, he may be released on bail, but-

(i) such person shall not be so released if there appear reasonable grounds for believing that he has been guilty of an offence punishable with death or imprisonment for life;

(ii) such person shall not be so released if such offence is a cognizable offence and he had been previously convicted of an offence punishable with death, imprisonment for life or imprisonment for seven years or more, or he had been previously convicted on two or more occasions of a cognizable offence punishable with imprisonment for three years or more but less than seven years: Provided that the Court may direct that a person referred to in clause (i) or clause (ii) be released on bail if such person is a child or is a woman or is sick or infirm: Provided further that the Court may also direct that a person referred to in clause (ii) be released on bail if it is satisfied that it is just and proper so to do for any other special reason:

(2) xxxxxxxxxx



- (3) xxxxxxxxxx
- (4) xxxxxxxxxx
- (5) xxxxxxxxxx
- (6) xxxxxxxxxx
- (7) xxxxxxxxxx”

Moreover, offences in the present case are triable by the Court of learned Magistrate. Therefore, this Court deems it appropriate not to curtail personal liberty of petitioner, who is a woman, for any longer because, period of about 04 months has already been undergone by her inside jail.

6. Therefore, considering the totality of facts and circumstances of the case, nature of the allegations levelled against the petitioner, factors noticed here above, and the special provisions governing grant of bail under the statute, this Court is of the considered view that petitioner's case falls within the parameters warranting the grant of regular bail. Accordingly, this Court deems it appropriate to extend the concession of regular bail to the petitioner in the present case.

7. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to her furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

8. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.



9. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

10. Petition stands disposed of.

**(SANJAY VASHISTH)
JUDGE**

07.07.2026
Lavisha

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**