IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

110 **CRM-M-28594-2026**

Sonia Shai ....Petitioner

V/s

State of Punjab and another ....Respondents

Date of decision: 15.07.2026

Date of Uploading : 16.07.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Dixit Raj Kapoor, Advocate for the petitioner (through Video Conference).

Mr. Adhiraj Singh Thind, AAG Punjab.

Mr. S.S. Sarwara, Advocate for the respondent No.2.

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SUMEET GOEL, J. (Oral)

1. 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.74 dated 01.04.2025, registered for the offences punishable under Sections 318(4) of BNS and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014, at Police Station Civil Lines, Patiala.

2. The case of the prosecution, as emerging from the FIR, is that the complainant namely Prem Singh (respondent No.2 herein) alleged that the petitioner, who was running an immigration business in the name and style of 'Sahi Immigration', represented that she could arrange a United Kingdom work permit visa for the son of the complainant namely Lovepreet Singh and daughter-in-law namely Harjot Kaur. On the basis of such assurance, the complainant allegedly paid an amount of ₹28,40,000/- to the petitioner. It has been further alleged that despite receiving the aforesaid

amount, the petitioner had failed to secure the promised visa. When the complainant demanded the return of his money, certain cheques were issued by the petitioner. On presentation, one cheque was honoured whereas the remaining cheques were dishonoured. As per the complainant-respondent No.2, the petitioner neither returned the entire amount nor fulfilled the assurances given to the complainant. During the course of enquiry conducted by the police authorities, it was allegedly found that the petitioner did not possess any valid licence for carrying on the business of providing overseas placement or visa services and had induced the complainant to part with a substantial amount on the false promise of obtaining visas. On the basis of the enquiry report and legal opinion, the present FIR came to be registered.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question as the dispute between the parties is essentially civil in nature arising out of a business transaction(s) which has been given a criminal colour. Learned counsel has further iterated that there has never been any dishonest intention on the part of the petitioner as the petitioner has made every efforts for processing the visa applications. It has been further contended that the complainant was fully aware of the risks involved in the immigration procedures and the refusal of visa cannot, by itself, constitute a criminal offence. According to learned counsel, the entire case is based on documentary evidence which are already in the possession of the investigating agency. Learned counsel has emphasized that the instant FIR has been lodged in order to exert pressure on the petitioner as the essential ingredient of dishonest intention at the inception is absent. It has been further contented that nothing is to be

recovered from the petitioner and, therefore, the custodial interrogation is not warranted in the factual *milieu* of the case in hand. It has been further contended that the petitioner is ready and willing to join the investigation and undertakes to fully cooperate with the Investigating Agency in case she is enlarged on bail. On the basis of these submissions, the grant of the instant petition 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 iterated that the petitioner induced the complainant and his family members to part with a huge amount of money on the assurance of securing employment visas abroad. According to learned State counsel, despite receiving the amount, neither the promised visas have been arranged nor the money has been returned. Furthermore, the enquiry conducted by the police reflects that the petitioner was not holding the requisite licence under the Punjab Travel Professionals Regulation Act which clearly attracts the offence of cheating by deception. Moreover, the allegations disclose a well-planned act of cheating involving a substantial amount and hence the custodial interrogation is necessary. Accordingly, a prayer has been made for the dismissal of the instant petition.

4.1. Learned counsel appearing for the respondent No.2-complainant has vociferously opposed the grant of anticipatory bail to the petitioner on the ground that allegations raised against the petitioner are serious in nature as she, while running an immigration consultancy business, induced the complainant to part with a huge amount i.e. ₹28,40,000/- on the false assurance of procuring United Kingdom work permit visas for his son and daughter-in-law. It has been further contended that despite receiving the entire amount, the petitioner neither arranged the promised visas nor refunded the money. Accordingly, a prayer has been made for the dismissal of the petition in hand.

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 prosecution version, indubitably, serious allegations have been levelled against the petitioner. The allegations against the petitioner are that she was running an immigration consultancy and promised the complainant that she would arrange United Kingdom work permit visas for his son and daughter-in-law. On the basis of this assurance, the petitioner allegedly received a total amount of ₹28,40,000/- from the complainant. Despite receiving the money, the petitioner has failed to obtain the promised visas. Furthermore, when the complainant has demanded the return of his money, the petitioner allegedly issued various cheques towards repayment. On presentation, except for one cheque, the remaining cheques were dishonoured. As per the material placed on record before this Court, the petitioner did not possess the necessary licence required for carrying on the business of providing overseas visa and immigration services. The allegations raised against the petitioner are that she has induced the complainant to part with a substantial amount of money on false assurances and thereafter neither fulfilled her promise nor refunded the entire amount. As per stand of the State, the petitioner has intentionally cheated the complainant, misappropriated the money received from him and caused wrongful financial loss to the complainant by making false representations regarding the procurement of

visas. At this stage, the contention that the dispute is purely civil in nature cannot be accepted as the allegations in the FIR *prima facie* indicate that the petitioner induced the complainant to part with a substantial amount on the ground that she could arrange an overseas work visa for his son and daughter-in-law despite the fact that she was not holding any requisite licence for the same. The subsequent issuance of cheques and partial repayment does not efface the allegation of dishonest inducement coupled with deception which are the core ingredients of the offence under Section 318(4) BNS. Furthermore, the argument that the case rests entirely on documentary evidence and no recovery is to be effected is not a sufficient ground to grant anticipatory bail as the investigation is still in progress. In such circumstances, the custodial interrogation of the petitioner may be necessary to ascertain the *modus operandi*, identify other victims, trace the money trail and verify the role of other persons, if any.

Another pertinent *nay* vital aspect of the matter which craves attention of this Court is that the petitioner has been extended the concession of anticipatory bail by the Court below on the basis of compromise having been arrived at between the parties. However, the petitioner has not been able to honour the terms/conditions of the compromise *ibid* since the cheque(s) in question given by the petitioner have been dishnoured on presentation. In these circumstances, the Court below came to the conclusion that the petitioner had not adhered to the conditions of the compromise and had misused the concession extended to her. Consequently, the Court below cancelled the concession of anticipatory bail earlier granted to the petitioner. In the considered opinion of this Court, such conduct of the petitioner is a relevant factor which cannot be overlooked while considering the present petition. Furthermore, as per the reply filed by the State, the petitioner does not have clean antecedents as she is involved in one more case of similar nature which reflects a pattern that cannot be ignored at this stage. The nature and gravity of the offence necessitate a thorough investigation, which, at this stage, cannot be conducted without the petitioner being in custody. Moreover, no exceptional or compelling circumstance has been demonstrated which would warrant the grant of anticipatory bail

7. It is befitting to mention here that while adjudicating the bail plea for anticipatory bail, the Court must meticulously evaluate several pivotal factors. 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. 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 wider impact of such alleged iniquities on the society. 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 Hon'ble 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 gravity of the allegations, the specific role attributed to the petitioner and the necessity of custodial interrogation for a fair and thorough investigation, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand. 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

July 15, 2026
Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No