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

(211)

CRM-M-34921-2026 (O&M)

Date of decision : 09.07.2026

KANAV PATEL ALIAS ANIKET**... Petitioner****Versus****STATE OF PUNJAB****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Mandeep Nagpal, Advocate for the petitioner

Ms. Sakshi Bakshi, AAG, Punjab

MANISHA BATRA, J. (ORAL)

1. The instant petition has been preferred by the petitioner under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS”) for grant of anticipatory bail in case arising out of FIR No.121 dated 08.06.2026 registered under Sections 316(2) and 318(4) of Bharatiya Nyaya Sanhita, 2023 (for short “BNS”) and Section 24 of the Emigration Act at Police Station Phase 1, SAS Nagar (Mohali).

2. As per the allegations on 08.06.2026, on receipt of a secret information to the effect that on third floor of Plot No.F-538, Amar Tower an emigration agency in the name of Future Funders run by one Mahesh, who had employed several persons, who were engaged in soliciting business of sending people abroad by making calls to them on phones and by doing so, he was exploiting innocent and unsuspecting victims by cheating them. It was also

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informed that on the pretext of sending public persons abroad, the above-named Mahesh had been retaining passports of such persons and had been extracting huge amounts of money. It was also informed that Simran Singh Sidhu who was owner of the premises was also involved with him.

3. After registration of FIR, investigation proceedings were initiated. The Police party went to the above-mentioned building and on entering in the premises of Future Funders, the accused Mahesh alongwith several employees was found to be present. On conducting search, 08 passports issued in the name of different persons, some educational certificates, 01 laptop, several mobile phones were recovered. Accused Mahesh and Damanpreet were arrested. On interrogation, accused Mahesh suffered disclosure statement to the effect that the emigration office was opened through mutual consultation with the present petitioner, accused Simran Singh Sidhu and himself and they were running the same without any licence. The petitioner was a partner and authorized signatory responsible for signing documents, controlling office operations and rent agreement was also issued in his name. He further disclosed that they had an office at Chandigarh which was managed by petitioner and Simran Singh Sidhu and he handle this office wherein the raid was conducted. The petitioner was nominated as an accused. Apprehending his arrest, he moved an application for grant of anticipatory bail which has been dismissed by the Court of Learned Additional Sessions Judge, SAS Nagar (Mohali) vide order dated 22.06.2026.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He could not be prosecuted under Section 24 of

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the Emigration Act. No notice under Section 35 of BNSS has been served upon him till date. He is ready to join investigation. His custodial interrogation is not required. No recovery is to be effected from him. It is, therefore, argued that the petition deserve to be allowed.

5. Per contra, learned State counsel while relying upon the status report has argued that the allegations against the petitioner are serious in nature. His custodial interrogation is must for conducting proper and through investigation in the matter. No sanction under Section 27 of the Emigration Act is required as the petitioner had no licence or permit for running the emigration agency. It is, therefore, argued that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

7. So far as the contention that there is no prior sanction under Section 27 of the Emigration Act is concerned, this provision is applicable only when offence has been committed in respect of an emigrant or intending emigrant or complaint is filed by said emigrant/intended emigration or on his behalf as mentioned in proviso to Section 27 of the Emigration Act. However, in the instant case, the petitioner and the co-accused were not having any licence to run the emigration agency. The allegations prima facie make out a case for commission of the subject offences as against the petitioner. Recovery of 08 Indian passports has been effected from the premises run by the petitioner and the co-accused and the allegations make out a case that a racket was being run

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by the petitioner and the co-accused to cheat public persons on the pretext of sending them abroad. For the purpose of eliciting information as to the manner in which the subject offences has been committed by the petitioner and about the involvement of any other person, custodial interrogation of the petitioner is required. The allegations against the petitioner are serious and specific in nature. For eliciting information about the manner in which the subject offences have been committed by them, his custodial interrogation is required. It is well settled proposition of law that the custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extraordinary remedy. The allegations against him are serious in nature. The case is at its nascent stage. It is well settled that anticipatory bail to an accused can be granted in exceptional circumstances only as a person couched in comparative safety of pre-arrest bail would certainly not disclose all the facts within his knowledge. In case custodial interrogation of the petitioner is denied to the Investigating Agency, that shall leave many glaring loopholes and gaps, thereby adversely effecting the investigation. The Court is also required to see that an order of anticipatory bail does not operate as inroad in the normal legal procedure of criminal cases by the trial Court. It is well settled proposition of law that the powers for grant of pre-arrest bail are to be exercised by the Court

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in extra-ordinary and exceptional circumstances and with great caution while taking into consideration the nature of the accusation and the sentence which the conviction may entail. In the instant case, no such exceptional or extra-ordinary circumstance is, however, made out from the pleas as taken by the petitioner. For the purpose of conducting thorough and proper investigation custodial interrogation of the petitioner is must. Taking into consideration the above discussed facts, this Court is of the considered opinion that the petition deserves to be dismissed. Accordingly the same is dismissed.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

9. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

09.07.2026
Amit Sharma

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No