



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

(110)

CRM-M-45243-2026 (O&M)
Date of Decision: **14.08.2026**

HARMANDEEP SINGH

... Petitioner

Versus

STATE OF UT CHANDIGARH

... Respondent

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CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Karanjeet Singh Brar, Advocate
for the petitioner.

Mr. Narender Kumar Vashist, Addl. P.P. UT Chandigarh.

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VIRINDER AGGARWAL, J. (Oral)

1. First Petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"] (corresponding to Section 438 Cr.P.C.), seeking grant of anticipatory bail to the petitioner in FIR No. 073 dated 11.07.2026, registered under Sections 318(4) and 61(2)(a) of the Bharatiya Nyaya Sanhita, 2023 ["BNS"] (corresponding to Sections 420 and 120-B IPC), at Police Station Sector 3, District Chandigarh (Annexure P-1).

2. Briefly stated, the prosecution case is that the petitioner, while working as an employee of an immigration firm, namely M/s Suncoast Immigration Company, allegedly acted in connivance with its proprietor and other employees and dishonestly induced the complainant to part with a total sum of ₹8,01,295/- on the representation that a work permit for



Canada would be arranged for her, which was allegedly never procured. The specific allegation against the petitioner is that he played a material role in inducing the complainant and that, pursuant thereto, an amount of ₹2,40,000/- out of the total alleged amount of ₹8,01,295/- was transferred into his bank account. On the basis of these allegations, the present FIR came to be registered and, apprehending his arrest, the petitioner has approached this Court seeking the concession of anticipatory bail.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. It is contended that the offences alleged are punishable with imprisonment extending up to seven years and, therefore, the petitioner cannot be arrested mechanically or merely upon registration of the FIR. Placing reliance upon the principles enunciated by the Hon'ble Supreme Court in ***Satender Kumar Antil v. Central Bureau of Investigation, 2022(10) SCC 51***, learned counsel submits that arrest in offences carrying punishment up to seven years is not to be resorted to as a matter of course and must be preceded by a reasoned assessment of its necessity in accordance with law. It is further submitted that no material has been placed to demonstrate any specific necessity for the petitioner's custodial interrogation and that no arrest-related assessment or memorandum, as contemplated under the applicable legal framework, has been shown to have been prepared. The petitioner is stated to be merely an employee of the firm, is willing to cooperate with the investigation and is even prepared to refund the amount



allegedly received in his account. It is accordingly prayed that the petitioner be extended the concession of anticipatory bail.

4. Notice of motion.

4.1. Mr. Narender Kumar Vashist, learned Additional Public Prosecutor, U.T., accepts notice on behalf of the respondent-U.T., Chandigarh, and vehemently opposes the prayer for grant of anticipatory bail. It is contended that, having regard to the nature, gravity and seriousness of the allegations, the specific role attributed to the petitioner in inducing the complainant and the receipt of ₹2,40,000/- in his bank account, the petitioner does not deserve the discretionary relief of pre-arrest bail at this stage. Dismissal of the present petition is accordingly prayed for.

5. I have heard learned counsel for the parties and have gone through the paper book minutely with their able assistance.

6. The mere expression of willingness to refund or restore the amount allegedly received by the petitioner cannot, in law, obliterate the alleged criminality or constitute a mitigating circumstance of such magnitude as to warrant the extraordinary discretionary relief of anticipatory bail. The material presently available on record prima facie indicates that the petitioner was not a mere peripheral or incidental participant in the transaction. The allegations specifically attribute to him a material role in negotiating the transaction and inducing the complainant to part with her hard-earned money on the representation of securing employment abroad. Significantly, an amount of ₹2,40,000/- out of the



total alleged consideration was transferred directly into the petitioner's bank account, a circumstance which, at this stage, remains undisputed. The financial trail, therefore, prima facie connects the petitioner with the transaction and warrants a deeper probe into the manner in which the alleged deception was conceived and executed. The allegations, viewed in their entirety, disclose a transaction wherein an unsuspecting person was allegedly induced to part with her savings on the promise of securing employment abroad; such conduct, if ultimately established, has serious ramifications and cannot be reduced to a mere monetary or contractual dispute capable of being neutralised by subsequent repayment.

6.1. It is true that the investigating agency appears not to have recorded/prepared the requisite arrest-assessment memorandum in the manner contemplated by the governing legal framework. Such procedural safeguards cannot be lightly disregarded. However, the absence of such memorandum, by itself, does not render the petitioner entitled to the discretionary protection of anticipatory bail where the investigating agency demonstrates a legitimate and case-specific requirement for custodial interrogation. Learned Additional Public Prosecutor has specifically submitted that the custodial interrogation of the petitioner is necessary to unravel the complete modus operandi of the alleged fraud, trace and reconcile the entire money trail, ascertain the source and ultimate destination of the amounts received, identify the other persons who may have participated in or facilitated the transaction, and determine the respective roles of the persons allegedly operating the arrangement. These



are investigative facets which, in the peculiar circumstances of the present case, cannot be regarded as wholly insignificant or capable of being effectively addressed merely through formal joining of investigation.

6.2. The matter assumes further significance from the submission that other cases of a similar nature are stated to be pending against the petitioner. Though the pendency of other cases, by itself, cannot be treated as determinative of guilt in the present matter, it is certainly a circumstance which the Court cannot altogether disregard while assessing the nature of the allegations, the possibility of a recurring modus operandi and the necessity of an effective investigation, particularly when considered cumulatively with the petitioner's alleged direct involvement and the money trail emerging from the material on record.

6.3. Anticipatory bail is an extraordinary and discretionary remedy intended to safeguard personal liberty in appropriate cases; it cannot, however, be permitted to operate as an impediment to a fair and effective investigation where the investigating agency demonstrates a genuine requirement for custodial interrogation. Balancing the petitioner's right to personal liberty against the competing requirement of an unhindered investigation, this Court is of the considered view that, at the present stage, the petitioner's custodial interrogation cannot be said to be unwarranted. The circumstances of the case, viewed cumulatively, do not justify extending the discretionary protection of pre-arrest bail.

6.4. Accordingly, without expressing any opinion on the merits of the prosecution case or the ultimate culpability of the petitioner, this Court



finds no ground to extend the concession of anticipatory bail to him at this stage. The present petition is, accordingly, **dismissed**.

7. In view of the final adjudication of the principal matter, all pending miscellaneous applications, if any, arising out of or ancillary to the present proceedings, shall also stand disposed of. No separate or further orders are required to be passed in respect thereof.

14.08.2026
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No