IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

104 **CRM-M-35067-2026**

Simran Sahij @ Gaurav Saini

....Petitioner

V/s

The State of Punjab

....Respondent

Date of decision: 03.07.2026

Date of Uploading : 03.07.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. J.S. Jaidka, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

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SUMEET GOEL, J. (Oral)

1. Present petition has been filed on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail under Section 482 of BNSS, 2023 in FIR No.317 dated 22.12.2025 registered for offences punishable under Sections 318(4), 61(2), 338, 336(3) of BNS, 2023 at Police Station City Gurdaspur, District Gurdaspur.

2. As per the prosecution case, a written complaint was submitted by multiple complainants before the Senior Superintendent of Police, Gurdaspur alleging therein that an immigration company under the name and style of 'Candream Overseas', situated at Puda Market, Jail Road, Gurdaspur. The complainants alleged that an amount exceeding Rupees One Crore was collected by having induced numerous persons to part with substantial amount(s) of money on the promise of sending them abroad. It has been further alleged that the owner of the immigration company namely Gurvir Singh and its operator Harpreet Singh received money from the

victims and retained their passports and other important documents. As per the complaint, two female employees namely Ramandeep Kaur and Sukhmanpreet Kaur, who were stated to be working in the office, interacted with the prospective customers. It has been alleged that despite receipt of huge amounts, the accused persons neither arranged visas nor returned the money & had cheated the complainant(s). On these set of allegations, the FIR in question came to be registered and investigation ensued. During the course of investigation, the present petitioner was nominated as an accused on the allegation that he was actively associated with the activities of the immigration company and had played a role in inducing the complainants and facilitating the transactions which ultimately resulted in the alleged cheating and fraud. On these set of allegations, instant FIR has been registered and investigation ensued.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question and has no connection with the alleged fraud. Learned counsel has further iterated that perusal of the original complaint clearly shows that the petitioner was never named by any of the 22 complainants. According to learned counsel, the complaint specifically named certain other persons i.e. Gurvir Singh, Harpreet Singh, Ramandeep Kaur and Sukhmanpreet Kaur, but no allegation whatsoever has been levelled against the petitioner. It has been contended that the subsequent nomination of the petitioner during the course of investigation is stated to be arbitrary and without any supporting material. Learned counsel has further contended that the petitioner is not engaged in the business of sending the persons abroad and the allegations are general

and vague in nature. It has been further submitted that the petitioner has not participated in any transaction and has never made any promise or representation regarding sending any person abroad. Learned counsel has emphasized that no recovery is to be effected from the petitioner and the petitioner is not a beneficiary of any part of the alleged amount. Furthermore, no specific overt act has been attributed to the petitioner either in the FIR or in any material collected during the course of investigation and, therefore, his custodial interrogation is not necessary. It has been further contended that the main accused namely Gurvir Singh Gill @ Jass @ Tejas, has already been arrested and is in custody since 09.04.2026 and the challan has already been presented before the competent Court of jurisdiction. It has been further argued that the petitioner has clean antecedents and is willing to fully cooperate with the investigation. Moreover, there is no likelihood of the petitioner absconding from the process of justice or tampering with the prosecution evidence in case he is enlarged on pre-arrest bail. On strength of these submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the petitioner has been specifically named in the FIR and has played an active role in cheating the complainant(s). Learned State counsel has iterated that the allegations in the present case disclose a well-organized fraud whereby a large number of innocent persons were induced to part with substantial amount(s) of money on the false promise of sending abroad. Learned State counsel has emphasized that merely because the petitioner has not been named in the

original complaint does not absolve him of criminal liability. According to learned State counsel, the investigation conducted so far has revealed the active involvement of the petitioner in the affairs of Candream Overseas and his association with the other accused persons involved in the commission of the offence. Furthermore, the allegations against the petitioner are not based on mere suspicion but are supported by material collected during investigation. It has been further submitted that the investigation is at a nascent stage and custodial interrogation of the petitioner is necessary to unearth the entire conspiracy, trace the money trial and effect recovery. Learned State counsel has emphasized that the evidence collected so far suggests that the petitioner alongwith co-accused used to allure the innocent people on the pretext of sending them abroad. Furthermore, learned State counsel has submitted that in case the petitioner is granted the concession of pre-arrest bail, at this stage, it may impede the ongoing investigation. Accordingly, a prayer has been made for the dismissal of the instant petition.

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 FIR in question, indubitably, serious allegations have been levelled against the petitioner. The present case relates to an organized immigration fraud wherein a large number of persons are alleged to have been induced to part with substantial sums of money on false assurances of being sent abroad. The amount involved is stated to be more than Rs.1.00 crore. The material which has been placed before the Court indicates that the petitioner is involved in the activities of

the immigration company. The plea of the petitioner that he was neither a licensed agent nor a direct beneficiary of the amount allegedly received is a matter which can be examined during the course of investigation/trial. The absence of direct recovery from the petitioner at this stage does not dilute the allegations or involvement of the petitioner in the alleged conspiracy. Furthermore, the investigation is still underway and the custodial interrogation of the petitioner may be essential to trace the financial flow, recover relevant documents and ascertain the involvement of other individuals. The seriousness of the allegations, the involvement of the petitioner in inducing the complainant(s) as also the money trail weigh heavily against the grant of anticipatory bail to the petitioner. Furthermore, the stand of the investigating agency before this Court is that the custodial interrogation of the petitioner is imperative considering the nature of allegations, the money trial and to recover the cheated amount.

7. It is trite law that anticipatory bail is an extraordinary remedy not to be granted as a matter of course, particularly in cases involving serious offences. While considering anticipatory bail, the Court must strike a balance between the right of the individual to liberty and the need for free, fair and effective investigation. The investigation is ongoing and to identify the other possible accused persons, this Court does not consider it appropriate to grant bail at this nascent stage. In the considered opinion of this Court, granting anticipatory bail to the petitioner at this stage may likely hamper the on-going investigation. 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.

8. 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 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 at this stage. 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 information 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 task of disintering offences would not conduct themselves as offenders."*

9. Considering the seriousness of the allegations, the nature of the offence and the stage of investigation as also the necessity of custodial

interrogation for recovery of the amount in question, 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.

10. In view of the prevenient ratiocination, it is ordained thus:

(i) The instant petition is devoid of merits and is hereby dismissed.

(ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

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

(SUMEET GOEL)
JUDGE

July 03, 2026
Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No