

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

CRM-M-17941-2025
Reserved on: 03.07.2025
Pronounced on: 23.07.2025

Kapil Sharma...Petitioner

Versus

State of Punjab...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. R.S.Bajaj, Advocate for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
37	07.03.2020	Navi Baradari, District Police Commissionerate Jalandhar	420/ 465/ 468/ 471 and 120-B IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. Per paragraph 10 of the bail application and 16 of the status report filed by the State, the accused has massive criminal history.
3. The facts and allegations are taken from the translated copy of the FIR attached to the bail petition, which reads as follows:

“In reference to application No.940-DCP dated 12.02.2020. To The Commissioner of Police Jalandhar. Subject- Complaint against Ravi Jain and Kamakshi Jain C/o M/s Shri Kalatmak Ethic Wear, Shop No.4-5, Dera Satkartar Market, Model Town Road, Jalandhar and Sukhpreet Kaur D/o Hakam Singh R/o VPO Abdulapur Tehsil Malerkotla Distt. Sangrur 94654- XXXXX, 98550- XXXXX. Sir it is submitted as under:-1. That the complainant Ankush Chouhan S/o Rajesh Kumar R/o 301 X Block, Phase-1 Jalandhar Height, Jalandhar belongs to a noble family and law abiding citizen. 2. That the complainant having passport No.M0999701 from Jalandhar interested to visit Canada and Ravi Jain was having earlier close relation with the father of the complainant and he was running finance company and sale purchase of cars etc. and also running immigration office. The said office was under the name and style SVM at near body Zone opposite Income Tax Colony Jalandhar. It is worth mentioning that Ravi Jain and

his wife earlier also provided immigration services to the complainant to get visa from USA and have charged Rs.3 lakh 50 thousand as fees. Ravi Jain again offered that he will manage to get visa for Canada to the complainant. As such the complainant had provided his original passport to him in the month of October 2018. The visa for Canada was granted by the Embassy to the complainant. It is worth mentioning that Ravi Jain and his wife Kamakshi Jain assured to get visa for Canada as they claim that one friend of Kamakshi Jain is working at Canadian Embassy at Chandigarh and through her they can get visa for Canada under guarantee. 3. That the complainant travelled to Canada and filed an application to enter Canada but the said application was withdrawn under compulsion. The said letter issued by the Vancouver Airport dated 13.4.2019 is attached herewith. The complainant was also detained at International Airport for 24 hours and thereafter he was sent back to India. The reason for his compulsion to return to India was stored in Personal Information Bank No.CICPPU001. 4. That the complainant remained under shock and thereafter he engaged a counsel at Canada to investigate what happened to the complainant and why he was compelled to return to India. 5. That the engaged counsel handed over the documents stored in Personal Information Bank No.CICPPU001, the copy of the same are attached herewith. After going through the record provided by the counsel through email the complainant was shocked to see that Ravi Jain and his wife who were also dealing in immigration cases had forged the documents using the name of the complainant with one Sukhpreet Kaur d/o Hakam Singh R/o VPO Abdulapur Tehsil Malerkotla Distt. Sangrur and one affidavit duly attested by notary dated 30.8.2018, copy of the same was provided the counsel from Canada. It is worth mentioning that the said affidavit regarding marriage certificate is forged and never being signed by the complainant. Moreover the verification allegedly signed by Sukhpreet Kaur which appears to be forged as per law the affidavit is always verified by the deponent and in the present same has been verified by another person Sukhpreet Kaur. The form for use of family member representative online application the signatures of the applicant was also forged. 6. That the complainant is having single status ie. unmarried even on the passport till date, the accused i.e. Sukhpreet Kaur, Ravi Jain and his wife Kamakshi Jain by playing fraud with malafide intention to cause wrongful loss to the complainant used false information regarding complainant as correct and forged the signatures of the complainant and used the same as genuine in embassy due to which the complainant was harassed at Canada Airport and remained in detention due to the illegal acts of Sukhpreet Kaur, Ravi Jain and his wife Kamakshi Jain. All the three with their common intention to cause wrongful loss used the document of the complainant and forged the signatures of the complainant and committed the offence. It is therefore, requested that necessary action against the accused may please be taken and enquiry to this effect may please be referred to some high official so that the truth may come in the light. Thanking you. Complainant Sd/ Ankush Chouhan s/o Rajesh Kumar R/o 301-X-Block, Phase-Jalandhar Heights Jalandhar 98142-XXXXX."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the status report.

6. It would be appropriate to refer to the following portions of the status report, which read as follows:

"C. The role of the petitioner

14. That the petitioner, in connivance with co-accused Vikramjit Singh Aulakh have prepared forged and fabricated affidavit regarding marriage of complainant and Sukhpreet Kaur and defrauded the complainant alongwith Sukhpreet Kaur under the pretext of sending them to Canada on study visa. But, in fact the Sukhpreet Kaur is unmarried and his father has also recorded his statement in this regard. Moreover, during investigation of the case it came on record that. Mr. Pritpal Singh Advocate, the Notary public has not attested any affidavit of marriage. The petitioner had prepared false visa tiles, on the basis of which the complainant was detained at Vancouver Airport for 24 hours.

7. Perusal of the investigation points out the intent of the petitioner to allure the complainant directly or indirectly and he acted in such a way that initially he does not become a suspect. The petitioner also appears to be well experienced in the crimes because of the massive criminal history mentioned against him as referred to above and quoted in paragraph no.16 of status report. Thus considering the evidence collected so far, coupled with the massive criminal history which would corroborate that petitioner knew how to circumvent and shift the button and blame on other people, he is not entitled to bail.

8. The alarming escalation of visa fraud cases, in which individuals are deceived into parting with substantial sums of money under the guise of securing visas or job permits through bribes to purported embassy officials, reveals a disturbing undercurrent in the realm of immigration crime. Often, the victims themselves, complicit in their own exploitation, resort to unethical and dubious means to secure travel or employment opportunities, only to later cry foul when they fall prey to fraudulent schemes. This situation is not unlike the proverbial "kettle calling the pot black," where those who themselves engage in questionable conduct seek to shift the blame onto others when they become victims. While these individuals may indeed be guilty of their own lapses in judgement, this should not exonerate the fraudsters who orchestrate these deceitful operations. The perpetrators must be held accountable under the law and brought to justice, irrespective of the victims' participation in their own victimisation. It is imperative for investigative authorities to adopt a rigorous and comprehensive approach in probing allegations of fraud involving large sums of money exchanged under false pretences of securing visas or permits. These fraudsters, often masquerading as legitimate

agents or claiming close association and links with embassy officials, must be subjected to meticulous investigation. A failure to confront this growing phenomenon risks normalising such fraudulent practices, potentially reviving criminal practices reminiscent of thuggee, an organised historical network operating with secrecy, exploitation and manipulating its victims.

9. Further the petitioner has a massive criminal history.

10. In *Jogindro Bai v. State of Haryana*, CRM-M-51218-2024, decided on 29.11.2024, Neutral Citation No. 2024:PHHC:162096, this Court observed,

[17]. Adjudicating a bail petition of an accused with a prior criminal record places a significant and exacting responsibility on courts to exercise judicial discretion in a manner that is both reasoned balanced to consider the countervailing impacts on the freedom of an accused and that of society and free from arbitrariness, as arbitrariness is antithetical to the rule of law. As a natural corollary, consideration of an accused's criminal history should be limited to cases where convictions have been secured, including those resulting in suspended sentences, and all pending First Information Reports (FIRs) in which the petitioner is formally arraigned as an accused. However, cases that culminated in acquittals, discharges, quashed FIRs, withdrawals of prosecution, or the filing of closure reports by the investigative authorities must be excluded.

[18]. Although the legal system upholds the principle that crime, not the individual, should be condemned, the contours of a playing field are marshy, and the graver the criminal history, the slushier the puddles, and a recidivist often operates on precarious ground, where the weight of a significant criminal record creates an increasingly challenging terrain. Nonetheless, where the offense for which bail is sought is minor, such that arrest is generally unwarranted, or bail would ordinarily be inevitable, courts must not deny bail solely as a punitive measure intended to serve as a pre-trial deterrent. Such an approach contravenes the judiciary's obligation to uphold the foundational principles of justice and equity in bail proceedings. Another reason that dis-entitles for bail is the criminal antecedents. Considering the bail petition of an accused with a criminal history throws an onerous responsibility upon the courts to act judiciously and reasonably because arbitrariness is the antithesis of law. The criminal history must be of cases where the accused was convicted, including the suspended sentences and all pending First Information Reports, wherein the bail petitioner stands arraigned as an accused. In reckoning the number of cases as criminal history, the prosecution resulting in acquittal or discharge, or when Courts quashed the FIR, the prosecution stands withdrawn, or the prosecution filed a closure report, cannot be included. Although crime is to be despised and not criminal, for a recidivist, the contours of a playing field are marshy, and the graver the criminal history, the slushier the puddles. If the petitioner is granted bail, he will likely re-indulge in the crime.

11. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for anticipatory bail.

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The impact of crime would also not justify anticipatory bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

12. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

13. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

23.07.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.