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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010408762026

+ **BAIL APPLN. 3613/2026**

RAVI KUMAR

.....Petitioner

Through: **Mr. Amandeep Singh, Adv.**

versus

THE STATE (GOVT OF NCT OF DELHI) & ANR.

.....Respondents

Through: **Ms. Shubhi Gupta, APP for the State.
SI Ekta, PS: IGI Airport.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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01.09.2026

CRL.M.A. 26838/2026 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

BAIL APPLN. 3613/2026

1. The present application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), seeking grant of anticipatory bail in connection with FIR No. 291/2025 dated 05.04.2025, registered at Police Station I.G.I. Airport, for offences punishable under Sections 318(4)/336(3)/340(2) of the Bharatiya Nyaya Sanhita, 2023 ("BNS"), and Section 12 of the Passports Act, 1967.
2. Counsel for the applicant submits that the applicant is innocent and



has been falsely implicated in the present case. It is contended that the applicant's case is better situated than that of **Jugraj Singh v. State (NCT of Delhi)**,¹ wherein the co-accused has been granted anticipatory bail. It is further submitted that at the time of issuance of notice the applicant was in Spain and, for that reason, could not appear. It is additionally submitted that the applicant is ready to deposit a sum of Rs. 2,77,000/- without prejudice to his rights and contentions.

3. The application is opposed by the APP appearing for the State. It is submitted that a look-out circular was issued against the applicant, and that despite service of notice the applicant remained non-cooperative. The notice dated 16.04.2025, which was shown to the Court, is stated to have been accepted by the sister of the applicant. It is contended that the custodial interrogation of the applicant is necessary and that the application is liable to be dismissed.

4. I have heard the counsels appearing for parties and perused the record.

5. The facts of the case would indicate that a case was registered under FIR No. 291/2025 at PS IGI Airport on 05.04.2025 upon the complaint of ASI Daya Ram, alleging that in the intervening night of 04/05.04.2025, an Indian male passenger named Gursahib Singh arrived at IGI Airport, New Delhi, from the USA via flight No. AI-102 as a deportee for being an illegal entrant. During the scrutiny of his travel documents, page 23 of his passport was found to contain residual paper pieces and glue marks, and upon questioning, the passenger disclosed that his travel agent had facilitated the pasting of a fake Schengen Visa, which he removed while illegally

¹ Bail Application. 3672/2025 dated 23.02.2026



migrating from Latin American countries towards the USA via the donkey route. During the course of the investigation, financial analysis revealed that the passenger's family transferred funds into various bank accounts provided by agent Jugraj Singh @ Jagga, out of which Rs. 2,77,000 was credited to an account in the name of Naresh Kumar.

6. It is alleged that the applicant provided bank account details to co-accused Gurlal Singh @ Guni, who in turn forwarded the same to co-accused Jugraj Singh, and that the said account was used for receiving money from the passenger. It has also come on record that a sum of Rs. 2,77,000/-, said to be connected to the alleged transaction, was routed through the bank account of the applicant's brother, Naresh Kumar, which was maintained by the applicant. A look-out circular came to be issued against the applicant.

7. The principles governing the grant of anticipatory bail, now under Section 482 of the BNSS (formerly Section 438 of the Code of Criminal Procedure, 1973), are well settled. In **Gurbaksh Singh Sibbia v. State of Punjab**,² the Constitution Bench of the Supreme Court held:

Section 438(1) of the Code lays down a condition which has to be satisfied before anticipatory bail can be granted. The applicant must show that he has "reason to believe" that he may be arrested for a non-bailable offence. The use of the expression "reason to believe" shows that the belief that the applicant may be so arrested must be founded on reasonable grounds. Mere "fear" is not "belief", for which reason it is not enough for the applicant to show that he has some sort of a vague apprehension that some one is going to make an accusation against him, in pursuance of which he may be arrested. The grounds on which the belief of the applicant is based that he may be arrested for a non-bailable offence, must be capable of being examined by the court objectively, because it is then alone that the court can determine whether the applicant has reason to believe that he may be so arrested. Section 438(1), therefore, cannot be

²(1980) 2 SCC 565



invoked on the basis of vague and general allegations, as if to arm oneself in perpetuity against a possible arrest. Otherwise, the number of applications for anticipatory bail will be as large as, at any rate, the adult populace. Anticipatory bail is a device to secure the individual's liberty; it is neither a passport to the commission of crimes nor a shield against any and all kinds of accusations, likely or unlikely.

8. The Supreme Court has consistently emphasised that the power to grant anticipatory bail is an extraordinary power, to be exercised sparingly and only in exceptional cases. In ***P. Chidambaram v. Directorate of Enforcement***,³ it was held:

Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 Cr.P.C. is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court must be properly exercised after application of mind as to the nature and gravity of the accusation; possibility of applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy.

9. The factors relevant to the exercise of this discretion have been enumerated by the Supreme Court in ***State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain***,⁴ namely:

(i) the nature and gravity or seriousness of the accusation as apprehended by the applicant; (ii) the antecedents of the applicant including the fact as to whether he has, on conviction by a court, previously undergone imprisonment for a term in respect of any cognizable offence; (iii) the likely object of the accusation to humiliate or malign the reputation of the applicant by having him so arrested; and (iv) the possibility of the applicant, if granted anticipatory bail, fleeing from justice.

³(2019) 9 SCC 24

⁴(2008) 1 SCC 213



10. Applying the aforesaid principles to the facts of the present case, the submission that the applicant was in Spain at the time of issuance of notice does not, by itself, advance his cause. Even if the applicant was in Spain, he ought to have informed the prosecuting agency of his non-availability; however, no such step was taken by him.

11. The allegations against the applicant are that he facilitated the main accused in obtaining a fake visa. *Prima facie*, the applicant appears to be an active participant in the alleged crime, which discloses the working of an organised syndicate. In order to unearth the entire syndicate, the custodial interrogation of the applicant is necessary. In ***State (rep. by CBI) v. Anil Sharma***,⁵ the Supreme Court observed 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. A similar view has been taken by this Court in ***Gaurav Bhardwaj v. State (NCT of Delhi)***,⁶ wherein, having regard to the expanse of the offence and the stage of investigation, anticipatory bail was declined so as not to deprive the investigating officer of the opportunity to carry out custodial interrogation.

12. The antecedents of the applicant are also a relevant consideration. It has come on record that the applicant is involved in another case, being FIR No. 270/2025, registered at Police Station I.G.I. Airport under Section 420 of the Indian Penal Code, 1860.

13. Insofar as the plea of parity is concerned, it is relevant to note that the anticipatory bail application of co-accused Gurlal Singh @ Guni came to be

⁵(1997) 7 SCC 187

⁶Bail Application. 554/2026, decided on 20.04.2026 (Delhi High Court)



rejected by this Court on 13.07.2026 in Bail Appln. 2625/2026. Further, insofar as two of the co-accused persons have been granted bail, it is to be noted that they were enlarged on regular bail, and the applicant cannot claim parity with them for the grant of anticipatory bail.

14. The material collected by the prosecuting agency thus far would, *prima facie*, establish the complicity of the applicant in the alleged offence.

15. Bearing in mind the overall facts and circumstances, and the nature of the allegations, the Court is not inclined to grant anticipatory bail to the applicant. The application is, accordingly, rejected.

16. It is, however, made clear that in the event the applicant surrenders, he shall be at liberty to file an application for regular bail, which shall be considered on its own merits.

17. The application stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

SEPTEMBER 1, 2026/P
