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

CRM-M-13868-2022 (O&M)
Reserved on: 24.08.2022
Pronounced on: 08.09.2022

Kamakshi Jain ...Petitioner

Versus

State of Punjab …Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Lalit Singla, Advocate for
Mr. Ankur Mittal, Advocate
For the petitioner.

Mr. H.S. Sitta, DAG, Punjab.

Mr. Ravish Bansal, Advocate and
Mr. Piyush Setia, Advocate
For the complainant.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0037	07.03.2020	Navi Bardari, Distt. Police Commissionerate Jalandhar	420, 465, 468, 471, 120-B IPC

1. The petitioner apprehending arrest in the FIR captioned above had come up before this Court under Section 438 CrPC seeking anticipatory bail.

2. Vide order dated July 5, 2022, the petitioner was granted interim protection, which is continuing till date.

3. Ld. Counsel for the petitioner contends that the custodial investigation would serve no purpose whatsoever, and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.

4. Ld. counsel representing the State opposes bail.

REASONING:

5. The complainant Ankush Chauhan's case is that Kamakshi Jain and her husband, Ravi Jain, were known to him and had got him a Visa to the USA for a sum of Rs 3.5 Lacs. The petitioner decided to visit Canada and contacted them to get him a visa.

Kamakshi Jain told the petitioner that one of her friends worked in the Canadian Embassy in Chandigarh and guaranteed her the Visa, and after some months, he did get a Visa for Canada. On April 13, 2019, when he arrived at Vancouver Airport in Canada, he was detained and deported to India. On inquiry, the petitioner found that he was shown to be married to a girl, whereas he was unmarried. The allegation is that the accused showed him married by fabricating his documents and forging affidavits. All these concoctions also indicate the said girl and probably got her a Visa by making a false declaration. The investigation revealed that Ravi Jain and Kamakshi Jain had not received any money from the complainant but, as a friendly gesture, had contacted a girl named Mamta Subba, who was working with Correl Visa Company, Near Namdev Chowk Rattan Tower, Jalandhar, Panjab, INDIA and Vikramjit Singh Aulakh, a Canadian Citizen, owns and runs the said company. As per the investigation, the Modus Operandi of Vikramjit Singh Aulakh and his company was that they also got an application for Visa from another unmarried girl. They forged their documents and showed the complainant and the said girl as married and also forged their affidavits and got those affidavits attested. Thus, by showing them as married, the chances of getting Visa permission increased, and when the Visa documents were submitted, they were cleared without raising any suspicion. The forgery came to the notice at Vancouver International Airport, where at the time of immigration, during the Visa interview, the complainant disclosed his being unmarried, whereas his "Personal Information Bank No. CICPPU001" showed him to be married. Since the travel agents had not disclosed this fact to the petitioner, he was unaware and told the truth, which led to a false declaration for getting Visa and consequent deportation. Be that as it may, a reading of the complaint nowhere mentions that the complainant had paid any money or advantage to Kamakshi Jain or Ravi Jain, and the complainant mentioned that they were previously working as travel agents and agreed to help him in getting visas. Thus, the act of Ravi Jain and Kamakshi Jain was confined to recommending the petitioner to Mamta Subbu, without any allegations of financial gains, which further got the services of her employer company, Correl Visa Company, owned by Canadian citizen Vikramjit Singh Aulakh, and the company also associated with one Kapil Sharma, who is equally involved. The complaint has an eerie silence about the money the complainant had paid to Corel Visa Company, Mamta Subbu, VikramjitAulakh, and Kapil Sharma because that would expose the petitioner's conduct of trying to get a Visa by using connections and influence. Given this, there is no justification to send the petitioner for pre-trial incarceration. The complainant would have suffered a few million; still, the country suffered the most because of the unethical conduct of the complainant by not straightaway applying for a Visa through a legal channel. The unscrupulous travel agent and his associates brought massive disgrace to the country and the people of Indian origin on the detection of fraud by the Visa officer at Vancouver International Airport.

6. The petitioner was granted interim protection, and during the interregnum, there is no allegation that he had intimidated the victim or victim's family or the witnesses or that he had hampered the investigation, or despite being called to join the investigation, he did not appear before the investigator. Given the above, there would be no justification to discontinue the interim protection, and the same is made absolute subject to the petitioner complying with the terms of the bail order and the following additional conditions.

7. Till the completion of the trial, the petitioner shall not contact, call, text, message, remark, stare, stalk, make any gestures or express any unusual or inappropriate, verbal or otherwise objectionable behavior towards the victim and victim's family, either physically, or through phone call or any other social media, through any other mode.

Petition allowed in aforesaid terms. Interim order is made absolute. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

08.09.2022
anju rani

Whether speaking/reasoned: Yes
Whether reportable: ***NO***.