



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-50421-2024(O&M)
Date of Decision: 19.10.2024

POONAM RANI

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Bipin Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate and
Mr. P.S. Bindra, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition has been made by the petitioner for grant of pre-arrest bail in case arising out of FIR No.170 dated 16.09.2024 registered under Sections 318 (4) and 61 (2) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) and Section 24 of Immigration Act at Police Station Division 5, District Police Commissionerate, Ludhiana.
2. As per the prosecution case, the Embassy of United States of America through one Mr. Eric C. Molitors Overseas Criminal Investigator through its Regional Security Office sent a written complaint to the Director General of Police, Punjab alleging therein that two firms/companies namely, Red Leaf Immigration and Overseas Partner Education Consultants which were operating from the same address at Chandigarh were involved in fraudulent activities by submitting wrong information on U.S. Online visa applications to cheat U.S. Embassy in India and the Government of U.S.A., in order to obtain



visas for United States of America. It was also informed that one case bearing FIR No.71 had been lodged by the Embassy at Police Station Chanakyapuri, Delhi on 21.05.2024 that had led to the arrest of five of its agents and thereafter the aforementioned firms had sent applicants to the U.S. Consulates in Mumbai and Chennai. It was also alleged that on 06.06.2024, one Simran Thakur had applied for a non immigrant visa at U.S. Consulate in Mumbai by claiming that she had attended Swami Vivekanand University, Sagar in Madhya Pradesh but during the course of interview, she admitted that she had never attended the above named university and had not been issued any Bachelor of Science degree and was educated only up to 12th grade. She disclosed that she had been given documents regarding higher education by one Karan, a representative of M/s Red Leaf Immigration in Chandigarh in lieu of a sum of Rs.2 lakhs and her visa application and documents annexed along with the same were also submitted by the visa agent of M/s Red Leaf Immigration.

3. As per the further allegations, the complainant also cited the names of some more applicants who had applied for visas through the aforementioned companies/firms on the basis of false/forged documents. The complainant also mentioned the name of one Ramneet Kaur who too had applied for a non immigrant visa at U.S. Consulate in Chennai by claiming that she had completed a diploma course in Business Administration from M/s Dellsys, Chandigarh. However, during interview, she admitted that she had never studied there and had procured the diploma documents for a sum of Rs.50,000/-. Similar information had been given by one Rahul Kumar who too had applied for visa in U.S. consulate and who disclosed that he had received



educational certificates of M/s Dellsys from M/s Red Leaf Immigration for a sum of Rs.2 lakhs. Request was made for taking action in the matter. After registration of FIR, investigating proceedings have been initiated and are underway. Apprehending her arrest, the petitioner, who is one of the partners of M/s Red Leaf Immigration Pvt. Ltd. moved an application for grant of pre-arrest of bail which was dismissed by Court of learned Special Judge, Ludhiana vide order dated 01.10.2024.

4. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case on the basis of statement of Simran Thakur who herself had submitted a degree issued by Swami Vivekanand University with the agent of M/s Red Leaf Immigration Pvt. Ltd. while applying for visa and had informed the agent of this company namely Ankur Kehar that she also had a visa of United Kingdom issued on 20.09.2022, on the basis of same documents and this fact itself proved that the degree of Swami Vivekanand University which is alleged to be fake, was available with Simran Thakur even prior to the year 2022. It is further argued that the petitioner has been added as a partner/director with M/s Red Leaf Immigration Pvt. Ltd. only for the sake of name and in fact, this concern is run by her husband - Amandeep Singh who has also been nominated as an accused. No specific role has been attributed to her. There is no allegation that it was she who had prepared the file of Simran Thakur or any other visa aspirant or was conniving with any other person or the co-accused. A huge number of employees work in this immigration and hundreds of applications are being filed every month. Her custodial interrogation is not required. She is ready to join the investigation. No recovery



is to be effected from her. The allegations as levelled in the FIR do not make out any case for commission of subject offences as against her. The co-accused Ankur Kehar has been extended benefit of pre-arrest bail vide order dated 11.10.2024. Hence it is, therefore, urged that the petition deserves to be allowed and she deserves to be extended benefit of pre arrest bail.

5. Status report by way of affidavit has been filed by respondent. It is submitted therein and learned State counsel has vehemently argued that the allegations against the petitioner are serious in nature as she is one of the partners of M/s Red Leaf Immigration Private Limited which is involved in initiating online submissions of visas applications of different persons for United State of America by furnishing of false documents by charging huge amount of money and getting unlawful and wrongful gains through use of such documents for the purpose of issuance of visas. It is argued that Simran Thakur one of the visa aspirants had given a statement during the course of investigation that her visa application had been submitted by an agent from M/s Red Leaf Immigration Pvt. Ltd. who had also submitted some financial documents on her behalf that were not known to her. It is argued that complicity of the petitioner in the commission of the aforementioned offences is *prima facie* made out from the record and her custodial interrogation is required for conducting thorough and proper investigation in the matter. Therefore, it is urged that the petition does not deserve to be allowed.

6. I have heard learned counsel for the petitioner and learned State counsel at considerable length besides perusing the record.



7. The petitioner and co-accused Amandeep Singh who is her husband are admittedly partners of M/s Red Leaf Immigration Chandigarh. As per the allegations, the U.S. consulate in India had lodged a complaint that fraudulent activities were perpetrated by M/s Red Leaf Immigration and one more concern in connivance with the visa aspirants and fraud was committed by submitting false information on online visa applications for U.S. On the complaint so lodged, investigation is being conducted by the police and it has been revealed that M/s Red Leaf Immigration Pvt. Ltd. concern in connivance with the directors of M/s Dallsys Institute, Chandigarh is getting prepared false educational certificates in favour of visa aspirants for the purpose of issuing visa from U.S. embassy by extracting huge amounts of money. The documents submitted by some of the visa aspirants have been found to be false. The petitioner who is a partner of M/s Red Leaf Immigration Company is obviously presumed to be having knowledge of the activities being carried out through this firm. By merely stating that it is her husband who is actually running the concerned business, the petitioner cannot seek exoneration from her liability. The complicity of the petitioner with co-accused in commission of subject offences is *prima facie* made out from the allegations in the FIR which are obviously serious in nature as they amount to committing offences of forgery and cheating by hatching conspiracy with the other accused. The case is still at its nascent stage. For conducting thorough investigation in the matter by the police and for the purpose of eliciting important information, the custodial interrogation of the petitioner is must. It is well settled proposition of law that custodial interrogation of a suspected person who is well ensconced with a



favourable order of anticipatory bail is qualitatively more elicitation oriented than questioning a suspect. More so, the nature and gravity of the accusation is an important factor to grant/deny benefit of anticipatory bail which is to be considered. No exceptional circumstances exist in this case which might be considered for resorting to extraordinary remedy for grant of bail. The grant of anticipatory bail certainly interferes in the sphere of investigation of an offence to some extent. In view of the discussion so made, I am of the considered opinion that no extraordinary or exceptional circumstance exist to resort to extraordinary remedy for grant of anticipatory bail in the instant case. As such, it is held that petition does not deserve to be allowed. Accordingly the same is dismissed.

8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

19.10.2024

Deepak Patwal

(MANISHA BATRA)
JUDGE

- 1. Whether speaking/reasoned : Yes/No
- 2. Whether reportable : Yes/No