IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-43695-2025
Date of decision : 17.11.2025
Uploaded on 18.11.2025

ASHWANI KAPOOR

... Petitioner

Versus

INTELLIGENCE OFFICER, DRI

...Respondent

CRM-M-40702-2025

DEEPAK SHEKHAR

... Petitioner

Versus

INTELLIGENCE OFFICER, DRI

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Aman Pal, Sr. Advocate with
Ms. Swati Katoch, Advocate and
Ms. Mansi, Advocate
for the petitioner in CRM-M-43695-2025.

Mr. Vivek Salathia, Advocate
for the petitioner in CRM-M-40702-2025.

Mr. Saurabh Goel, Sr. Standing counsel with
Ms. Anju Bansal, Advocate
Ms. Geetika Sharma, Advocate
Ms. Samridhi Jain, Advocate and
Ms. Deify Jindal, Advocate
for the respondent-DRI.

****

JASJIT SINGH BEDI, J.

This order shall dispose of two petitions bearing No.CRM-M-43695-2025 titled as Ashwani Kapoor Versus Intelligence Officer, DRI and CRM-M-40702-2025 titled as Deepak Shekhar Versus

Intelligence Officer, DRI as the same are arising out of the same criminal complaint No.DRI.F.No.DRI/ASR/855/INT/01/2025. However, for the sake of convenience the facts have been taken from CRM-M-43695-2025.

2. The prayer in the present petitions under Section 482 BNSS is for the grant of anticipatory bail in case bearing criminal complaint No.DRI.F.NO.DRI/ASR/855/INT/01/2025 registered under Section 135(1)(i)(A) of Customs Act, 1962.

3. Acting on specific intelligence, officers of DRI Amritsar Regional Unit intercepted a passenger namely Vikas Chabbra at the Departure Side of SGRDJI Airport Amritsar who was trying to smuggle out foreign currency by concealing the same in his checked-in baggage while travelling from Amritsar to Dubai via SpiceJet Flight SG55 on 03.05.2025. During search of the checked-in bag of the passenger namely Vikas Chhabra, it resulted in recovery of 2,681 notes (USD) of 100 denomination, 7 notes (Euro) of 200 denomination, 33 notes (Euro) of 100 denomination, 247 notes (Euro) of 50 denominations. 50 notes (GBP) of 50 denomination, 33 notes (Aus Dollars) of 100 denomination, 126 notes (Aus Dollars) of 50 denomination, 28 notes NZD of 50 denomination, 1 note (Swiss Franc) of 1000 denomination, 4 notes (Swiss Franc) of 100 denomination, 2 notes (Swiss Franc) of 50 denomination, 36 notes (Omani Rial) of 50 denomination, and 20 notes (Omani Rial) of 20 denomination, 5 notes (Omani Rial) of 10

denomination, 39 notes (Qatar Rial) of 500 denomination, 2 notes (Qatar Rial) of 200 denomination, 1 note (Qatar Rial) of 100 denomination, 16 notes (Kuwait Dinar) of 20 denomination, 20 notes (Kuwait Dinar) of 10 denomination, 45 notes (Saudi Rial) 500 denomination, 2 notes of (UAE Dirham) of 100 denomination, 2 notes of (UAE Dirham) of 50 denomination, 1 note of (UAE Dirham) of 10 denomination, 3 notes of (UAE Dirham) of 5 denomination, 4 (Dirham Coin) of 1 denomination, and 1 (Dirham Coin) of 0.5 denomination, having total cumulative market value/Tariff value of INR 2,66,29,598/- which was found hidden in the layers of clothes in the said checked in bag of the passenger. As the currency was unaccounted and exceeded the permissible RBI limits, it was seized and the said person was arrested by the DRI under the relevant provisions of the Customs Act 1962. During the course of Investigations, it was revealed that the foreign currency recovered from Vikas Chhabra was owned by three persons/ partners, namely, Sh. Vikas Chhabra, Deepak Shekhar (petitioner in CRM-M-40702-2025) and Ashwani Kapoor (petitioner in CRM-M-43695-2025).

4. The learned Senior counsel for Ashwani Kapoor (petitioner in CRM-M-43695-2025) contends that the petitioner has only been named in the disclosure statement of his co-accused Vikash Chhabra who was arrested while attempting to travel from the Amritsar International Airport to Dubai on 03.05.2025. During the course of the investigation, the DRI has found that it was petitioner-Ashwani Kapoor who had

dropped Vikas Chhabra to the Airport on 03.05.2025. The mobile phone of Vikas Chhabra has a photograph of a letter head of Maha Laxmi Jewellers which firm was shut down by the petitioner in the year 2010-2011 where there is reference to foreign exchange and on the top of the document 27th January, 2025 to 30th January, 2025 is mentioned. As per the case of the prosecution, the petitioner was in Dubai between the said dates. The evidence taken as it is insufficient to establish the culpability of the petitioner. As he has joined the investigation and cooperated with the same, he is entitled to the concession of anticipatory bail.

5. The learned counsel for Deepak Shekhar (petitioner in CRM-M-40702-2025) contends that petitioner-Deepak Shekhar too has been named in the disclosure statement of Vikas Chhabra. From his mobile phone, the photographs of two invoices dated 03.04.2025 showing foreign exchange transactions and purchase of gold in the name of the petitioner have been found dated 03.04.2025. The petitioner-Deepak Shekhar was in Dubai on those days. Further, one Sukhdev Singh, Frash/workman at the Airport was arrested from the Airport who was facilitating the accused. He was using a SIM Card No.9914700554. The said SIM was in the name of Gursimran Singh Nanda. His statement was recorded to the effect that he did not know how the SIM Card was issued in his name and came to be in the possession of Sukhdev Singh. During the course of investigation, it transpired that the SIM Card was provided to Sukhdev Singh by Ashwani Kapoor who was given the same

by Deepak Shekhar. All this evidence even if taken to be entirely true does not further the prosecution case. As the petitioner has joined investigation and has cooperated with the same, he too is entitled to the concession of anticipatory bail.

6. On the other hand, the counsel for the respondent-DRI while referring to the case of Ashwani Kapoor contends that during the course of investigation it transpired that it was Ashwani Kapoor who had dropped Vikas Chhabra to the Airport on 03.05.2025. From the phone of Vikas Chhabra a page of the letter head of Maha Laxmi Jewellers was extracted which firm was in the name of the petitioner admittedly uptil the year 2010-2011. There were notings of foreign exchange transactions on the letter head. The dates 27th January, 2025 to 30th January, 2025 are mentioned at the very top. Interestingly, Ashwani Kapoor was in Dubai on those days. On being questioned about the letter head, he feigned ignorance and gave evasive answers and stated that somebody might have made him scribble on the letter head but he could not say for sure. The petitioner has travelled to Dubai on approximately 20 occasions in the last two years without any apparent reason which is highly unnatural conduct. As per the Director of M/s Sawera Travels Pvt. Ltd., Ashwani Kapoor used to pay for the air tickets of Deepak Shekhar and Vikas Chhabra as well. Similarly, the proprietor of M/s RP Travels stated that Vikas Chhabra used to book tickets for Ashwani Kapoor and Deepak Shekhar as well. He therefore, contends that apparently that Vikas

Chhabra, Ashwani Kapoor and Deepak Shekhar were all in the business of sending/taking foreign exchange abroad and then smuggling gold into India. Though, the petitioner has joined investigation, there has been little cooperation inasmuch as no specific answers have been provided to the questions put by the Investigating Agency. Further, the petitioner has stated that his phone had got lost and he was not aware as to where he had lost it. He thus, contends that as the offences are *prima facie* established the investigation is to be taken to its logical conclusion and the petitioner has been completely evasive during investigation, his custodial interrogation is certainly required. Therefore, the petitioner is not entitled to the concession of anticipatory bail.

With respect to Deepak Shekhar, he contends that the petitioner runs a mobile repair shop. From the mobile phone of Vikas Chhabra, two invoices standing in the name of the petitioner were extracted. As per the invoices, the petitioner is alleged to have purchased 7,95,352 Dirhams on 03.04.2025 and bought gold of the equivalent amount on the same day. Pertinently, Deepak Shekhar was in Dubai on 03.04.2025. He further contends that Sukhdev, a Frash/workman_at the Airport was found to be using SIM Card No.9914700554. During the course of the investigation, it transpired that the said SIM Card was provided to Sukhdev Singh by Ashwani Kapoor who was provided the same by Deepak Shekhar. The petitioner has visited Dubai approximately 20 times in the last two years and the purpose of the trips remain unexplained. Though, the petitioner has joined investigation, he has not cooperated with the same having given evasive answers to most questions. Further, he too has stated that his phone was lost and he was unaware where he had lost it. Therefore, as the offences are *prima facie* established and the attempt is to stone-wall the investigation, the custodial interrogation of the petitioner is certainly required and therefore, he is not entitled to the concession of anticipatory bail.

7. I have heard the learned counsel for the parties.

8. The Hon'ble Supreme Court in the case of ***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr.*** ***2022 Live Law (SC) 870*** held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the prima facie case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

> "*It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.*
>
> *Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.*

We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. ***In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail***.

9. As per the case of the respondent-DRI, Vikas Chhabra was arrested at the International Airport, Amritsar while attempting to travel to Dubai. He was found in possession of foreign currency worth Rs.2,66,29,598/- which was unaccounted for. During the course of investigation, from his mobile phone, two invoices dated 03.04.2025 were extracted, as per which Deepak Shekhar had purchased 7,95,352/- Dirhams and had used the same to purchase gold. No cogent explanation has been furnished by Deepak Shekhar regarding the two invoices. Pertinently, Deepak Shekhar was in Dubai on 03.04.2025. In fact, he has travelled approximately 20 times to Dubai in the last two years and the purpose of those trips remain unexplained. From the phone of Vikas Chhabra, a letter head of Maha Laxmi Jewellers has been extracted containing notings of foreign exchange. Maha Laxmi traders was admittedly a firm of Ashwani Kapoor until the year 2010-2011. There is a date mentioned on the top of the letter head i.e. 27^{th} January, 2025 to 30^{th} January, 2025. Ashwani Kapoor was in Dubai on those days. No cogent explanation has been furnished by Ashwani Kapoor regarding the said letter head. He too has travelled to Duabi approximately 20 times in the last 2 years and the purpose of those trips remain unexplained. Interestingly, Ashwani Kapoor had dropped Vikas Chhabra to the Airport on 03.05.2025.

10. One Sukhdev Singh who was facilitating the smuggling of Vikas Chhabra, Ashwani Kapoor and Deepak Shekhar was arrested at the

Airport and it was found that the mobile phone used by him was provided to him by Ashwani Kapoor who was provided the same by Deepak Shekhar. Neither of the petitioners have provided their respective mobile phones to the Investigating Agency for investigation but have stated that their phones had been lost and they did not know where. As many as 550 calls have been exchanged between Deepak Shekhar and Ashwani Kapoor between 05.01.2024 and 30.04.2025 which is highly unnatural and points towards a deeper conspiracy to commit the offences in question.

11. Further, travel agents from M/s Sawera Travels and M/s RP Travels have stated during investigation that the accused used to purchase tickets to Dubai for each other which fact also fortifies the prosecution case.

12. A perusal of the aforementioned facts and circumstances would show that the petitioners appear to be a part of a cartel smuggling foreign exchange abroad, purchasing gold and bringing the same back to India thereby committing the offences in question. Apparently, the offences are *prima facie* established. The names of others who are a part of this cartel are to be unearthed. Therefore, as the investigation is to be taken to its logical conclusion the custodial interrogation of the petitioners is certainly required.

13. In view of the aforementioned discussion, I find no merit in the present petitions. Therefore, the same stand dismissed.

14. However, the observations made hereinabove are only for the purposes of deciding this bail petition and the Trial Court is free to adjudicate upon the matter on the basis of the evidence led before it uninfluenced by any such observations made herein.

(JASJIT SINGH BEDI)
JUDGE

17.11.2025
JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No