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

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CRM-M-50614-2025 (O&M)
Date of decision: 10.09.2025

Karan Kapoor

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Durga Dutt Sharma, Advocate
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), is for grant of anticipatory bail to the petitioner in FIR No. 83 dated 01.08.2025, registered under Sections 316(2) and 318(2) of Bharatiya Nyaya Sanhita, 2023 and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012 at Police Station Shambhu, District Patiala.

2. The aforementioned FIR was registered on the complaint jointly lodged by the complainants Rajinder Singh and Kehar Singh on the allegations that the petitioner and co-accused Noor Jahan Sheikh had represented them that they could send the sons of the victims to USA and on that premise, they had demanded a sum of Rs.86 Lakhs from the victims. On their asking, the victims had transferred different amounts of money in the bank account of the petitioner, which was in the name of Vicky Kumar and different amounts of

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money were given to them in cash also. In this manner, a total amount of Rs.45 Lakhs had been given to them. The sons of the victims had been sent by the petitioner and co-accused to Senegal (Dakar) on 30.10.2024. They were subsequently taken to Egypt and Ethiopia, wherein they were made to stay for one month and then by extending threats to them and by raising demand of more money, they were forcibly sent back to India on 11.02.2025. The victims had made demand for return of their money and then the petitioner had issued a cheque for a sum of Rs.32,88,000/- on 04.04.2025 in the name of the complainant but the said cheque was dishonoured. After registration of the FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Patiala but the same had been dismissed, vide order dated 03.09.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not even named in the FIR since he is not known by the name of Vicky Kumar and his name is Karan Kapoor only. No recovery is to be effected from him as no money was transferred at any point of time either in his bank account or was given to him by the victims. He is ready to join the investigation. His custodial interrogation is not required. The allegations do not make out a case for commission of offences of cheating or criminal breach of trust. Therefore, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel has advance notice of the petition and is ready to argue the matter. At this stage, power of attorney on behalf of the

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complainant has been filed, which is taken on record. Learned State counsel, assisted by learned counsel for the complainant, has argued that the allegations against the petitioner are serious in nature. He has hatched a plan to defraud the victims and to cheat them and by operating in the name of Vicky Kumar, he had induced the victims to part with a huge amount of money on the pretext of sending their sons to USA but they were sent to other countries, from where, they were forced to return to India. The cheque issued by Vicky Kumar, which was issued on the asking of the complainant, has been dishonoured. The allegations make out a prima facie case for commission of offences of cheating. The custodial interrogation of the petitioner is must for the purpose of unravelling the truth about his name as well as the fact that it was him, who had represented himself as Vicky Kumar as well. More so, no extraordinary or exceptional circumstance for grant of pre-arrest bail has been made out in favour of the petitioner. The petitioner has criminal antecedents since as many as ten other FIRs of similar nature have been registered against him. It is, thus, argued that the petition is liable to be dismissed.

6. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

7. The petitioner along with the co-accused is alleged to have cheated the victims by inducing them to part with a huge amount of money on the pretext of sending their sons to USA but they were not sent so. The victims were duped of their money with intent to cause wrongful loss to them. There are specific and serious allegations against the petitioner. For the purpose of conducting deeper, thorough and proper probe in the matter, custodial

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interrogation of the petitioner is must. Even otherwise, no extraordinary or exceptional circumstances has been made out in his favour for grant of pre-arrest bail. The well settled proposition of law is that while considering an application for grant of anticipatory bail, the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation or tampering with evidence including intimidating witnesses. The powers under Section 482 of BNSS are to be exercised in extraordinary and sparing circumstances. More so, custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 482 of BNSS. Many useful information can be disinterred during custodial interrogation. Keeping in view the discussion as made above, I am of the considered opinion that no extraordinary or sparing circumstance entitling the petitioner to seek concession of pre-arrest bail has been made out. Accordingly, finding no merit, the petition is dismissed.

8. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

10.09.2025

Waseem Azhar

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No