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

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**CRM-M No.57757 of 2025
Date of decision: 01.12.2025**

Kirti Sood

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Vishesh Dogra, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition as filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') 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 No.5, District Police Commissionerate, Ludhiana. The previous petition as filed by her bearing CRM-M No.480-2025 had been dismissed as on 17.01.2025.

2. The aforementioned FIR was registered on the basis of a

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complaint received from the Embassy of USA at New Delhi alleging that one Red Leaf Immigration and Overseas Partner Education Consultants company was facilitating candidates for obtaining visas for USA on the basis of fraudulent information and by making misrepresentation. The details of some of the candidates had been mentioned. FIR was registered. It was revealed that the petitioner had issued false and fake certificate regarding employment of one Lovely Kaur with her proprietorship concern namely, Jyoti Classes during the period from August 2021 to 27.05.2024 though she never served her concern. She was nominated as an accused. Previously, petition filed by her had been dismissed by this Court by making the following observations:-

“6. The petitioner in-connivance with the co-accused is alleged to have prepared false documents in the shape of experience certificates and to have shown false balances in the account of aspirants for visa to US by taking money from aspirants, with intention to earn undue profits and to commit offence of cheating. The allegations against the petitioner are serious in nature. Trial is at its nascent stage. For the purpose of conducting thorough investigation in the matter, custodial interrogation of the petitioner is must. It is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly and in exceptional circumstances. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to

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that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.”

3. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case. Infact, she was running a coaching centre and one Kuldeep Singh was working as an English teacher since 2023 in her centre. She had gone to New Zealand during the period from 13.03.2024 to 16.06.2024 and in her absence, the said Kuldeep Singh was managing the affairs of her tuition centre. By taking advantage of her absence, he had stolen the letter heads of her tuition centre and had misused the same by preparing forged letter of appointment and experience certificate dated 27.05.2024 in favour of Lovely Kaur. The co-accused Amandeep Singh had been extended benefit of anticipatory bail by Hon’ble Supreme Court in SLP filed by him. The case of petitioner is at much better footing. She is ready to join the investigation. Her custodial interrogation is not required. No recovery is to be effected from her. It is, therefore, argued that the petition deserves to be allowed.

4. Per contra, learned Assistant Advocate General, Punjab has argued that the previous petition as filed by the petitioner had been dismissed by passing a detailed order. There is no new or substantive change in the circumstances and as such, the petition is not maintainable.

More so, the case of co-accused Amandeep Singh cannot be stated to be

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on similar footing. It is, therefore, argued that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner in connivance with the co-accused is alleged to have prepared false documents in the shape of experience certificates and is also alleged to have shown false balance in the bank account of aspirants for visa to USA by depositing money in their bank accounts after taking the same from them, with intent to earn undue profit and to facilitate issuance of visas for them on the basis of false representations. The petitioner had issued a letter of appointment in favour of the above named Lovely Kaur showing her under the employment of herself/petitioner as an Accountant Manager and had also issued a certificate dated 27.05.2024. Copies of both these documents have been placed on record as Annexures P-2 and P-3 the same are showing to be bearing signatures of the petitioner. The petitioner has claimed that she was at New Zealand at that relevant point of time. However, she has not categorically denied her signatures over the same. For conducting thorough and proper investigation in the matter, her custodial interrogation is must which she has been avoiding since long. Her case is not at parity with the case of the co-accused. The grounds as taken in this petition were available to her at the time of filing her previous petition as well but had not been so taken. However, it cannot be stated that there is



any new or substantive change in the circumstances. The powers for grant of pre arrest bail are to be exercised with great circumspection and in extraordinary circumstances but no such circumstance has been made out in this case. As such, finding no ground to allow the petition, the same is dismissed.

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

01.12.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No