



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

101

CRM-M-480-2025

Date of decision: 17th January, 2025

Kirti Sood

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vivek Singla, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J (ORAL):-

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail to the petitioner(s) in case FIR No. 170 dated 16.09.2024 registered under Sections 318(4), 61(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 24 of Immigration Act, at Police Station Division No. 5, District Police Commissionerate.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a complaint received from the Embassy of United States of America at New Delhi, alleging that one company named as Red Leaf Immigration and Overseas Partner Education Consultant, which was involved in immigration business, had been facilitating certain candidates to obtain visas for US on the basis of mis-representation and fraudulent information. The names of



some of such candidates had been quoted and it was also informed that false work experience certificates and educational certificates had been filed by such candidates to secure VISA. It was further informed that one of such candidate namely Lovely Kaur had applied for a non-immigration VISA with US embassy representing that she was employed with one Jyoti Classes at Barnala, but during the course of interview, she admitted that she had never worked with the aforementioned concern and had received certificate qua her employment with the said concern from Red Leaf overseas education partners consultants in lieu of money. Similar instances of other candidates were also quoted. On the basis of this complaint, FIR was registered. Inquiry proceedings were initiated. It was revealed that the present petitioner was the proprietor of Jyoti Classes and had issued false and fake certificate regarding employment of Lovely Kaur with her concern during the period from August 2021 to 27.05.2024. The petitioner was called upon to join the inquiry, but she did not come forward. The experience certificate issued by the petitioner showed that Lovely Kaur, had served as Accounts Manager and the same was found to be a false and fabricated document. She was nominated as an accused. Apprehending her arrest, she moved an application for grant of pre-arrest bail, which was dismissed by the Court of learned Special Judge, Ludhiana vide order dated 05.12.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by her counsel that she has been falsely implicated in this case. She is ready to join the investigation. Her custodial interrogation is not required. No useful purpose would be served by detaining her in custody. It is therefore, urged that she deserves to be extended benefit of pre-



arrest bail.

4. *Per contra*, learned State counsel, who has advance notice of the petition, has submitted that there are serious and specific allegations against the petitioner, who in-connivance with Red Leaf Immigration and Overseas Partner Education Consultants prepared forged and fabricated documents in the form of experience certificates and issued the same in favour of aspirants for issuance of visas for USA, by taking money from such candidates, with an intention to cheat the embassy as well as the public at large. She along with the co-accused also showed false balances in the saving accounts of such visa aspirants, obviously with a view to earn profits from unemployed persons desirous of studying and settling abroad. The act committed by the petitioner has posed a serious threat to the national security and has lowered down the image of country. For unearthing the truth and for conducting thorough investigation, custodial interrogation of the petitioner is must. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner in-connivance with the co-accused is alleged to have prepared false documents in the shape of experience certificates and is 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 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.

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

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

17th January, 2025

Parveen Sharma

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