

2025:PHHC:169051



S. No.224

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

**CRM-M-61929 of 2025
Date of Decision:04.12.2025**

Davinder Kabootra @ Davinder TagotraPetitioner

Vs.

The State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present:- Mr. Vipul Malhotra, Advocate for the petitioner.
Mr. Gorav Kathuria, DAG, Punjab.
Mr. Tarunveer Vashist, Advocate for the complainant.

Yashvir Singh Rathor, J. (Oral)

1. This is first petition filed under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in case FIR No.116 dated 13.08.2025 registered under Section 420 IPC at Police Station Balachaur, District SBS Nagar, Punjab.

2. The present case was registered on the basis of complaint given to the Police by Daljit Kaur with the allegations that she along with her husband was introduced to one Davinder Kabootra @ Davinder Tagotra – petitioner, owner of Westway Global Immigration Office, situated at Rajpura, Punjab. They met him on 15.06.2023 and he finalised skill visa for UK for her and her husband Manpreet Singh for which he was to charge Rs.28 lakhs. They paid Rs.10 lakhs in the account of D.K. Institute, Rs.5 lakhs in the account of Vijay Jain and Rs.5 lakhs in the account of Prince Singla on the asking of petitioner. After some time, the agent told her that there is some technical problem and he can get a family



visitor visa for Canada in lieu of additional payment of Rs.4 lakhs. Then, they paid Rs.8 lakhs in cash to him along with their documents. Thereafter, he told that their daughter's visa has to be applied separately and he kept their passports with him and told that the passports will be returned along with the visa of their daughter Manraj Kaur. He took another sum of Rs.4 lakhs in cash on 04.04.2024. Thereafter, they contacted him several times but he kept on saying that passports have been sent to Canadian High Commission along with the visa application of their daughter. However, on 12.01.2025, one ASI from Delhi Police, along with one Aman daughter of Jaipal came and had been caught at the Airport who was trying to go abroad on her passport. Thereafter, they appeared before Police Station IGI Airport, New Delhi and told them that their passports were with petitioner – Davinder Kabootra @ Davinder Tagotra, who is their agent and only, he can tell as to how he has given the passport of Daljit Kaur to the said girl namely Aman. Even said Aman had named two associates / agents of Davinder Kabootra namely Gaurav and Sukhdeep to Delhi Police. ASI Pratima from Delhi Police also got transferred Rs.4,50,000/- in the account of one Vikas, Advocate and took Rs.1 lakh in cash from her and threatened to implicate her in the case. Thereafter, they requested the petitioner to return their passports and money but he is threatening them and has refused to return the same. She alleged that they had paid a sum of Rs.37,50,000/- in all to him and she sought action against the accused.



3. I have heard learned counsel for the parties and have perused the material placed on record. Vakalatnama filed on behalf of the complainant is taken on record.

4. Learned counsel for the petitioner contended that the petitioner has been falsely implicated. No amount was received by him from the complainant and the payments have been made to D.K. Institute, Vijay Jain and Prince Singla and not to the petitioner. Petitioner is running his own immigration business and has no past antecedents. He never handed over the passport of the petitioner to anyone. He is ready to join the investigation and to abide by the conditions that may be imposed by the Court and benefit of anticipatory bail be extended in his favour.

5. On the other hand, learned State Counsel has opposed the bail and argued that petitioner is the main offender who has admitted receiving of payments on whats-app chats with the complainant. The payments were deposited in the afore-said persons' accounts on his directions who are the partners in business. The payments were also made in cash. The passports of the complainant and her husband were also handed over to him but he handed over the passport to one Aman who tried to go abroad but was apprehended by Police at the Airport. The custodial interrogation of the petitioner is thus essential to elicit the modus operandi adopted by him while cheating the complainant. The investigation is at initial stage and grant of ad-interim bail will hamper the investigation and petitioner thus does not deserve concession of anticipatory bail.



6. It is well settled that the power to grant anticipatory bail is of extraordinary nature and is to be sparingly used with circumspection as held in 2022 (4) RCR (Criminal) 968 titled as "*Sachin @ Sachin Ahuja Vs. State of Punjab*". In SLP (Crl.) 7940 2023 titled as "*Shri Kant Upadhay Vs. State of Bihar*", Hon'ble Apex Court has held that grant of interim protection or protection from arrest to an accused in a serious case may lead to miscarriage of justice and may hamper investigation to a great extent as it may sometimes lead to tampering or destruction of evidence. The court is cognizant of the fact that power of anticipatory bail is to be exercised in exceptional circumstances as it may cause some hindrance to normal flow of investigation which would undermine the case of the prosecution.

6. The allegations against the petitioner are serious in nature. He has taken around Rs.37 lakhs from the complainant with a promise to send complainant, her husband and daughter abroad. A sum of Rs.20 lakhs was paid in the accounts of D.K. Institute, Vijay Jain and Prince Singla, on his directions, the passports were handed over to him. There are whats-app chats between the complainant and the petitioner regarding payment of money. The passport was illegally handed over to one Aman who tried to go to Canada on the passport of the complainant but was caught at the IGI Airport, New Delhi. As such, complainant has been duped of a huge sum of money. Such type of offences are increasing day by day and have to be dealt with an iron hand. The investigation is at initial stage and grant of anticipatory bail will thus hamper the investigation. Rather, the custodial interrogation of the petitioner is essential to elicit the modus



operandi adopted by the petitioner while cheating the complainant. In case, he is interrogated under the protective umbrella of order of ad-interim bail to be passed by this Court, he is not likely to answer the questions in the right earnest.

7. Dismissed.

(Yashvir Singh Rathor)
Judge

December 04, 2025
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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No