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

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Gouri Sharma

...Petitioner

V/s

The State of Punjab

...Respondent

Date of decision: 14.11.2025**Date of Uploading: 14.11.2025****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Tarun Jhatta, Advocate for the petitioner.
Mr. Amit Goyal, Additional Advocate General, Punjab.
Mr. Mohit Giri, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner in case bearing FIR No.0207 dated 10.10.2025, registered for the offences punishable under Sections 318(4), 336(2), 336(3), 340(2), 61(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 24 of the Immigration Act at Police Station Kot Ise Khan District Moga.

2. The gravamen of the FIR in question pertains to defrauding the complainant namely Gurwinder Singh Maan son of Daljit Singh. He alleged that in April 2024, he came across a social media advertisement allegedly issued by the petitioner and co-accused for facilitating Canadian work

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for a better future, the complainant, his wife Jaspreet KAur Mann and daughters Ravleen Maan and Gurleen Maan decided to avail the service. The complainant contacted Kuljit Pal Jaitley, who called him to his office i.e. The Victoria Immigration Service, opposite Police Station Moga. There, Kuljit Pal Jaitley, his wife Renu Jaitley and Gaurav Sharma assured the complainant that they would arrange Canadian work permits for his entire family within six months for a total cost of Rs.26,00,000/- out of which Rs.2,00,000/- was to be paid as advance. The remaining amount was to be paid upon receiving the Passport Request from the Embassy. The aforesaid accused also obtained photocopies of passports, Aadhaar cards, educational certificates and photographs. It is further alleged that on various dates, the complainant transferred a total sum of Rs.26,00,000/- via RTGS, Google Pay and other online modes. As a form of security on 23.07.2025, Kuljit Pal Jaitley issued two cheques i.e. for Rs22,00,000/- and Rs.2,00,000/-. Subsequently, the accused persons allegedly sent a purported "Passport Request" from VFS Chandigarh, booked appointments and had the passports submitted. After one month, the complainant received the passports alongwith a letter from the authorities stating that no such request had been made by them. Upon verification, the complainant discovered that the accused had forged the documents, resulting in imposition of a five year ban by the Canadian embassy on the entire family. When the complainant confronted the accused, they allegedly avoided him for 3/4 months. The complainant further alleged that the accused had cheated him and misappropriated Rs.26,00,000/- and sought action. The inquiry conducted



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by the DSP (CAW), Moga and legal opinion of the Deputy District Attorney resulted in registration of the present FIR.

3. Learned counsel for the petitioner has iterated that no specific allegations have been attributed to the petitioner in the entire FIR. No payment was ever demanded by the petitioner, nor was any amount transferred into his account at any stage. Learned counsel has further iterated that the petitioner has never met the complainant or his wife nor has he ever made any telephonic communication with them. Learned counsel has further submitted that the alleged amounts have not been transferred into the accounts belonging to the petitioner. Learned counsel asserts that the allegations levelled against the petitioner in the impugned FIR are entirely baseless and devoid of any credible or cogent material. Learned counsel has further submitted that the petitioner has been unnecessarily dragged into the matter merely due to his relationship with the accused and because his wife happens to work in a school run by them. According to learned counsel, in the absence of substantive and incriminating material, the entire prosecution narrative is nothing but an abuse of process. Furthermore, it has been argued that there is no need for custodial interrogation of the petitioner as the case is document based. On strength of aforesaid submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel has opposed the petition by arguing that the allegations raised against the petitioner are serious and supported by documentary evidence. Learned State counsel has further iterated that the FIR discloses an organized scam involving cheating, forgery, fabrication of documents and illegal immigration activities.

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According to learned State counsel, the petitioner is closely associated with the co-accused. Furthermore, in cases of criminal conspiracy, direct money transfer to the petitioner is not necessary to establish the involvement. It has been further submitted that the investigation has revealed material requiring custodial interrogation of the petitioner to unearth the complete facts. Accordingly, a prayer has been made for the dismissal of the instant petition in order to facilitate effective investigation into the alleged offence.

5. Learned counsel appearing for the complainant has submitted that the immigration service being run was not a one person activity but a coordinated setup involving the petitioner. According to learned counsel, the role of the petitioner was not of a mere bystander but of a co-conspirator that facilitated the fraudulent transactions. Learned counsel has emphasized that the family of the complainant has suffered a five year ban due to forged documentation which makes the offence grave and serious in nature. Accordingly, the grant of anticipatory bail at this stage will seriously hamper the investigation. It is, therefore, argued that the petitioner does not deserve the concession of anticipatory bail.

6. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

7. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. The FIR *ibid* reflects that the allegations concern an organized immigration fraud involving inducement of innocent persons, collection of substantial funds and forging documents. In the present case, the allegations in the FIR disclose a serious and organized immigration scam involving inducement of

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the complainant and his family to part with an amount of Rs.26.00 lacs on the false assurance of procuring Canadian work permits followed by the preparation and submission of forged documents resulting in a five year ban imposed by the Canadian Embassy which reflects the gravity of the alleged offence. The plea of the petitioner that no specific role has been attributed to him and that no part of the amount was ever transferred into his account is a matter of evidence and cannot be adjudicated upon at this preliminary stage. In offences involving cheating and criminal conspiracy liability cannot be assessed solely on the basis of whether money was deposited into the account of the accused. Similarly, the claim of the petitioner that he never met the complainant or that he has been falsely implicated due to his relationship with the co-accused, is a matter of defence which requires detailed investigation and cannot be adjudicated upon at this stage. The material which has come on record discloses that the allegations against the petitioner are not vague or general but are specific.

8. The investigation is a nascent stage and the investigating agency has specifically stated that the custodial interrogation of the petitioner is required to trace the money trail, verify communication exchanges between the accused persons and recover the forged documents used in the commission of offence. Furthermore, the alleged forgery of documents submitted to a foreign authority and the consequent immigration ban imposed upon the family of the complainant underscore the gravity of the offence which carries far-reaching legal and personal consequences. Cases of this nature, wherein vulnerable individuals are lured with false assurances of lawful migration and are subsequently subjected to



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exploitation, fall within the contours of organized Immigration-fraud and therefore warrant strict judicial scrutiny and a deterrent approach. The Courts must remain vigilant and ensure that such immigration-fraud rackets are not emboldened by leniency at the pre-trial stage. The act of fraudulently inducing individuals into believing that legitimate pathways for foreign migration are available and thereby causing them to suffer economic loss, legal consequences abroad and reputational damage reflects serious criminal intent and constitutes an affront to public confidence. Such offences necessitate a strong and principled judicial response to prevent their recurrence.

9. Furthermore, the investigating agency has sought the custodial interrogation of the petitioner for effective recovery, unravel the larger conspiracy, trace the money trail and to establish the broader conspiracy, if any, behind the occurrence. No cause *may* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR. It goes without saying that in the instant case, the complainant has categorically stated that the petitioner alongwith co-accused has defrauded him of a substantial amount under the false pretext of sending him and his family to Canada which caused severe financial distress and also resulted in immigration ban.

10. Furthermore, it is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also



the deeper and wide impact of such alleged iniquities on the society. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to establish a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***, the Hon'ble Supreme Court held as under : (SCC p. 189, para 6)

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

11. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand. In view of the foregoing and considering the seriousness of the allegations, the magnitude of financial loss and the ongoing nature of investigation; this Court is of the considered opinion that the petitioner has failed to make out a case for the grant of anticipatory bail.



Moreover, custodial interrogation of the petitioner may be necessary for an effective investigation & to unravel the truth.

12. In view of the prevenient ratiocination, it is directed as under:
- (i) The petition in hand is dismissed being devoid of any merits.
 - (ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
 - (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

November 14, 2025
Ajay

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