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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 3191/2025**

KAMALJEET KAUR

.....Petitioner

Through: Ms. Rosy Sharma, Advocate.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State
with Insp. Satish Yadav, PS-IGI
Airport.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **09.12.2025**

1. This application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 438 of the Code of Criminal Procedure, 1973²) seeks pre-arrest bail in FIR no. 144/2018 registered under Sections 420/468/471/120B of the Indian Penal Code, 1860,³ at P.S. IGI Airport.

2. The facts of the case, in brief, are as follows:

2.1. The FIR was registered when one Jaspreet Kaur arrived at IGI Airport as a deportee on 25th September, 2017. On verification from the Cyprus Embassy, her Cyprus Visa No. E17-03851 was found to be counterfeit. During investigation, Jaspreet Kaur stated that she had paid an amount of INR 2,30,000/- to the Applicant, Kamaljeet Kaur, for arranging the visa, of which INR 65,000/- had been received in cash by the Applicant's father,

¹ "BNSS"

² "Cr.P.C."



Bakshi Ram. On this basis Bakshi Ram was arrested on 22nd July, 2018. Jaspreet Kaur was formally arrested and released on bail.

2.2. Notices under Section 41A Cr.P.C. were thereafter issued to the Applicant. She did not join investigation and was stated to be abroad. Non-bailable warrants and proceedings under Section 82 Cr.P.C. were initiated but could not be executed for the same reason. A Look Out Circular (LOC) was opened against her on 26th September, 2018.

2.3. The Applicant thereafter approach this Court for pre-arrest bail in Bail Application No. 388/2022 under under Section 438 Cr.P.C. On 9th February, 2022, this Court directed that no coercive action be taken against her and kept the LOC in abeyance. Despite that protective order, she did not join investigation and continued to remain abroad. The interim protection in relation to the LOC was vacated on 27th July, 2023, and the anticipatory bail application was dismissed for default on 29th August, 2023. The present application is her second attempt at seeking pre-arrest bail.

3. On the previous date of hearing, Ms. Rosy Sharma, counsel for the Applicant, stated, on instructions, that the Applicant was now willing to join investigation and pointed out that the LOC issued against her had, in any event, lapsed on 25th September, 2024.

4. Taking note of this undertaking, the Court directed that no coercive action be taken against the Applicant, subject to her joining and cooperating with the investigation.

5. Mr. Amit Ahlawat, APP for the State, now confirms on instructions from the Investigating Officer that, pursuant to the interim protection, the Applicant travelled to India, appeared before the IO, and that investigation is

³ “IPC”



in progress. He explains that on her arrival at IGI Airport on 20th November, 2025, she was intercepted as an LOC subject in FIR No. 29/2023 registered at P.S. Goraya, Jalandhar, Punjab. During her interrogation in the present case, she disclosed that she had arranged the fake Cyprus visa for Jaspreet Kaur in 2017 through a Nepali woman named Jasmine and admitted that a sum of INR 2.30 lakhs was received through her father. However, she did not provide further particulars enabling the police to trace Jasmine. She was released after interrogation, in deference to the interim order of this Court, and was thereafter arrested by Punjab Police in connection with FIR No. 29/2023 at P.S. Goraya.

6. Counsel for the Applicant now submits that the Applicant has been released on bail in FIR No. 29/2023 by order dated 28th November, 2025, passed by the Court of the JMFC, Phillaur, District Jalandhar, Punjab.

7. Mr. Ahlawat, on instructions, submits that while the Applicant has now joined investigation pursuant to this Court's interim directions, the investigation is still underway and the Applicant must continue to cooperate and furnish an undertaking to appear before the IO as and when required.

8. Having regard to the above factual position, the Court now proceeds to assess the request for pre-arrest bail on its own merits. The allegations in the FIR concern an organised arrangement for procuring a forged foreign visa in consideration of money. The offences invoked are undoubtedly serious. The Applicant remained out of the country and did not to join investigation, even when this Court had granted her interim protection in the earlier proceedings. Her past conduct is, therefore, less than satisfactory.

9. At the same time, certain countervailing factors cannot be ignored. First, the alleged incident dates back to 2017. The investigation has



substantially progressed. The deportee has been examined, the allegedly forged visa has been verified through the Embassy, and the Applicant's father has already been arrested. Secondly, pursuant to the present interim order, the Applicant has now returned to India of her own accord, has submitted to the jurisdiction of the investigating agency in this case, and has undergone custodial arrest and scrutiny in the Punjab FIR.

10. In the context of anticipatory bail, the Supreme Court has repeatedly held that the Court must balance the seriousness of the allegation with the need to preserve the individual's liberty, having regard to factors such as the nature of the accusation, the role ascribed to the accused, the requirement of custodial interrogation, likelihood of absconding, and the risk of tampering with evidence. Applying these principles to the present case, the Court is of the view that, at this stage, custodial interrogation of the Applicant is not shown to be indispensable, provided she remains available to the IO, cooperates fully in the investigation, and adheres to strict conditions.

11. In view of the foregoing, the application is allowed. In the event of arrest, the Applicant is directed to be released on bail on furnishing a bail bond for a sum of INR 25,000/- with two sureties of the like amount subject to the satisfaction of the concerned SHO, on the following conditions:

- a. The Applicant shall join and cooperate with the investigation as and when directed by the IO;
- b. The Applicant shall not leave the boundaries of the country without informing the IO/ SHO concerned;
- c. The Applicant shall not contact the witnesses or tamper with the evidence in any manner;



- d. The Applicant shall give her mobile number to the concerned IO/SHO and shall keep her mobile phone switched on at all times;
12. In the event of there being any FIR/DD entry/complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.
13. It is clarified that the observations made herein are confined to the adjudication of the present anticipatory bail application. They shall not be construed as an expression of opinion on the merits of the case.
14. The application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

DECEMBER 9, 2025

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