IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

102 **CRM-M-16900-2026 (O&M)**
Date of decision: 27th March, 2026

Ashish

...Petitioner

Versus

State of U.T., Chandigarh

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Karan Duggal, Advocate for the petitioner.

Mr. Manish Bansal, P.P., U.T., Chandigarh.

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MANISHA BATRA, J (ORAL):-

CRM-13464-2026

Allowed as prayed for.

Main case

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 77 dated 12.06.2025 registered under Sections 318(4) and 61(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (Earlier Sections 420/120-B of IPC) and Section 24 Immigration Act, at Police Station Sector 17 Central, Chandigarh, U.T.

2. As per the allegations, the complainant Satish Kumar was interested to settle abroad on work visa. He came into contact with Wish

Immigration Consultancy having office at Sector 17, U.T., Chandigarh. He met accused Maira Jeshwal and Tanya there, who represented themselves as counsellor and file process officer of the above named consultancy services to the complainant and assured that they could get tourist-cum-work visa issued in favour of the complainant for Australia. They told the complainant that he would be sent abroad firstly on tourist visa which would be converted in work visa eventually on payment of Rs. 9,00,000/-. On asking of both of them, the complainant initially transferred an amount of Rs. 12,890/- in the account of M/s Wish Immigration Consultant through Google Pay. On 26.11.2024, the accused Tanya informed him that his sponsorship for Australia had been approved and a sum of Rs. 1,50,000/- had been required to be deposited. On 30.11.2024, she shared the details of a bank account and the complainant through his wife transferred the aforementioned amount of money in the above said account. On 27.11.2024, accused Tanya introduced him with accused Shakil Ahmed and the present petitioner by saying that both of them were owners of M/s Wish Immigration Consultant. Both petitioner and Shakil Ahmed assured the complainant that they had got several tourist-cum-work visa issued for Australia and that visa in his favour would be certainly got issued by them. Accused Shakil Ahmed got an agreement executed between the complainant and his immigration consultancy concern over which the signatures of the complainant were procured by assuring that the petitioner and Shakil Ahmed would be appending their signatures since they had left. Thereafter, an amount of Rs. 50,000/- got transferred from the complainant by the official of concern of the petitioner and then they stopped contacting the complainant. Neither any visa was issued in favour of the complainant nor his money was returned by the petitioner and the co-accused. By alleging that he had been cheated at their hands, the complainant therefore prayed for taking action.

3. After registration of FIR, investigation proceedings have been in initiated. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Chandigarh, which was dismissed vide order dated 13.02.2026.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He has no link with the complainant. He never advised the complainant to deposit any money in the account of the concern of which he is a partner or in his personal account. Accused Maira Jeshwal was working with other firms. As per the allegations, it was she who had introduced the complainant with co-accused Tanya as a processor and co-accused Shakil Ahmed as owner and had handled the entire operation. The petitioner was never projected as the owner or decision maker of the firm. The ingredients for commission of offence of cheating by the complainant with common intention or conspiracy with the co-accused are totally missing in this case. He never met the complainant and has been dragged into this case during the relevant period. He was not signatory of the firm. He is not beneficiary of the transaction. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him

but the recovery is, if any, is to be effected from the Principal accused Shakil Ahmed, Smriti @ Maira Jeshwal and Tanya. It is, therefore, argued that the petition deserves to be allowed.

5. Notice of motion.

6. Learned Public Prosecutor, U.T., Chandigarh has advance notice of the petition and is ready to argue the matter. It is argued by him that there are serious and specific allegations against the petitioner, who is one of the partners of M/s Wish Immigration Consultancy. He in connivance with the co-accused had induced the complainant to part with an amount of Rs. 2,12,890/- on the premise of sending him abroad on tourist-cum-work visa. His active complicity in the crime stands established from the allegations in the FIR itself. For conducting thorough and proper investigation in the matter, his custodial interrogation is must. No exceptional circumstance for grant of bail is made out. It is, therefore, argued that the petition does not deserve to be allowed.

7. This Court has heard learned counsel for the parties at considerable length.

8. The petitioner in connivance with the co-accused is alleged to have cheated the complainant by inducing him to part with an amount of Rs. 2,12,890/- on the premise of sending him on work-cum-tourist visa to Australia. The petitioner admits his partnership with the firm in the account of which money had been transferred. He is trying to evade his responsibility by saying that his employees Smriti @ Maira, Tanya and the co-accused

Shakil Ahmed, who is partner were responsible for the entire transaction and not him. However, the allegations do not suggest so. The petitioner is involved in four more cases of similar nature and is a habitual offender. For conducting thorough and proper investigation in the matter, custodial interrogation of the petitioner is must. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly and in exceptional circumstances. In case his custodial interrogation is denied to the Investigating Agency, that will leave many glaring loopholes and gaps thereby adversely affecting the investigation. The powers under Section 482 of BNSS are to be exercised in extraordinary and sparing circumstances. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. Keeping in view the gravity of allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

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

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

[MANISHA BATRA]
JUDGE

27th March, 2026

Parveen Sharma

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