



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

CRM-M No.16603 of 2026

Date of decision: 27.05.2026

Kamalpreet Malhotra

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present :- Mr. Simranjit Singh, Advocate
for the petitioner.

Mr. Sushil Bhardwaj, Addl. A.G., Haryana
for respondent No.1-State.

Mr. Shakti Mehta, Advocate
for respondent No.2.

MANDEEP PANNU, J. (Oral)

1. Present petition has been filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.) seeking grant of anticipatory/pre-arrest bail to the petitioner in FIR No.0005 dated 06.01.2025 registered under Sections 316(2) and 318(4) of the Bharatiya Nyaya Sanhita, 2023 (corresponding to Sections 406 and 420 IPC) and Section 24 of the Immigration Act, 1983 at Police Station Guhla, District Kaithal.

2. It has been contended on behalf of the petitioner that the petitioner has falsely been implicated in the present case and no custodial interrogation is required. Learned counsel for the petitioner further submits that the petitioner is ready and willing to join the investigation and abide by



all the terms and conditions as may be imposed by this Court. The allegations levelled against the petitioner are that he, under the pretext of sending the son of the complainant abroad, allegedly cheated the complainant and received substantial amounts from him. As per the prosecution, an amount of Rs.4,00,000/- was transferred by the complainant through DBC Bank to the account of the petitioner through RTGS and another amount of Rs.4,00,000/- was transferred through PNB Bank besides an amount of Rs.29,000/- allegedly paid in cash. It has further been alleged that despite receiving the aforesaid amount, the petitioner failed to fulfil the promise and thereby committed fraud with the complainant. Learned counsel for the petitioner has contended that the petitioner has falsely been implicated in the present case. It has been submitted that the visa application of the complainant's son was subsequently rejected by the French Embassy and the amount covered by the said cheques was adjusted towards the expenses incurred by the petitioner in processing the said application. Learned counsel further submits that the complainant has dishonestly portrayed the said cheques and transactions as being part of the present FIR, whereas in fact the same pertained to prior and independent transactions between the parties. It has further been argued that the entire case rests upon monetary transactions carried out through banking channels and alleged assurances, without any specific overt act attributable to the petitioner. Learned counsel has also argued that co-accused Ankita Sharma has already been granted the concession of anticipatory bail by a Co-ordinate Bench of this Court vide



order dated 19.03.2025 and, therefore, the petitioner is also entitled to the concession of anticipatory bail.

3. Learned State counsel has opposed the present petition and submitted that serious allegations have been levelled against the petitioner. It has been argued that the petitioner, along with co-accused Ankita Sharma, was running an illegal immigration racket under the name and style of “The British Chotti Baradari”, Patiala and had duped innocent persons on the false promise of sending them abroad. Learned State counsel further submits that the petitioner is the main beneficiary of the fraud amount and an amount of Rs.8,50,000/- was received by him through RTGS transactions and cheques. It has also been argued that several other FIRs of similar nature involving cheating and immigration fraud are already registered against the petitioner. Learned State counsel has further contended that the case of co-accused Ankita Sharma is not on parity with that of the present petitioner, inasmuch as while granting anticipatory bail to Ankita Sharma, the Coordinate Bench of this Court had specifically observed that she was not the beneficiary of the amount involved, whereas the present petitioner is the main beneficiary in the present case.

4. I have heard learned counsel for the parties and have gone through the paper-book carefully.

5. The allegations levelled against the petitioner are grave and serious in nature. Cases involving cheating innocent persons on the false pretext of sending them abroad are rapidly increasing and have become a matter of serious concern. Unsuspecting families, in the hope of securing a



better future for their children abroad, are being duped of their hard-earned money by unscrupulous persons operating under the garb of immigration consultants and travel agents. Such offences not only result in financial loss but also expose the victims to immense hardship and trauma in foreign countries.

6. In the present case, specific allegations have been levelled against the petitioner that he induced the complainant to part with an amount of Rs.8,50,000/- on the promise of sending his son to Germany. However, instead of Germany, the complainant's son was allegedly sent to Russia where he was subjected to immense hardship and torture on foreign land. It is also not disputed that the aforesaid amount of Rs.8,50,000/- has not been returned by the petitioner till date. The material collected during investigation further reveals that the petitioner is the principal beneficiary of the amount received from the complainant.

7. The plea of parity raised on behalf of the petitioner on the basis of anticipatory bail granted to co-accused Ankita Sharma also does not advance the case of the petitioner, as the Co-ordinate Bench while granting bail to Ankita Sharma had specifically observed that she was not the beneficiary of the fraud amount, whereas in the present case, the petitioner himself is alleged to be the main beneficiary.

8. Considering the serious nature of allegations, the active role attributed to the petitioner, the requirement of custodial interrogation and the larger impact of such organised immigration frauds on society, this Court does not find it to be a fit case for grant of anticipatory bail to the



petitioner.

9. Accordingly, the present petition is dismissed.

10. However, nothing observed herein shall be construed as an expression on the merits of the case.

11. All pending applications, if any, also stand disposed of.

(MANDEEP PANNU)
JUDGE

27.05.2026
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No