



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

105

CRM-M-62964-2025 (O&M)

Date of decision: 05.03.2026

Akash Kalia

...Petitioner(s)

VERSUS

State of Punjab

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Sidhant Vermani, Advocate for the petitioner(s)
(through V.C.).

Mr. Mohit Kapoor, Sr. DAG Punjab.

Mr. Kushagra Mahajan, Advocate for the complainant.

VINOD S. BHARDWAJ, J. (Oral)

CRM-9549-2026

Application is allowed as prayed for subject to all just exceptions. Short reply filed on behalf of the complainant is taken on record.

Registry is directed to tag the same at an appropriate place with page marking.

Main case:

1. This first petition has been filed for grant of anticipatory bail to the petitioner in case bearing FIR No.181 dated 19.07.2025 registered under Sections 420, 120-B of the Indian Penal Code, 1860 read with Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014 at Police Station Gate Hakima, Police Commissionerate District Amritsar.

2. As per the allegations levelled in the FIR, the present petitioner

alongwith co-accused i.e. his sister are owners of “Wings to Fly” office and the complainant party had come to know about the accused from an advertisement. The petitioner-accused assured the complainant party that they would arrange a work permit for them to visit U.K. and on such an assurance, sum of Rs.25.90 lakhs approximately had been paid to the petitioner-accused. They, however, failed to keep their promise and send the complainant party abroad and also did not return the money.

3. The matter came up for hearing on 11.11.2025 before this Court. The contentions of the counsel for the petitioner was recorded to the effect that the petitioner never participated in the affairs of his sister/Kritika Sharma, who was independently dealing with the respondent-complainant and that in the absence thereof, the petitioner should not be arrayed as an accused. The order reads thus:-

“Learned counsel appearing on behalf of the petitioner inter alia contends that there is no allegation of allurement or receipt of any property by the petitioner. He further contends that the main allegations have been levelled against one Ms. Kritika Sharma (sister of the petitioner), who is stated to have induced the complainant into delivering the money. It is further contended that the petitioner has been nominated as an accused without establishing any association of the petitioner in the commission of the said offence. He further contends that as per the allegations set out, a sum of Rs.23,00,000/- has been paid in cash. He further contends that the petitioner is ready and willing to join the investigation as and when called for and to

extend all cooperation to the Investigating Agency.

Notice of motion.

Ms. Savi Nagpal, AAG, Punjab enters appearance and accepts notice on behalf of respondent-State and prays for some time to complete instructions and file reply, if so advised.

Further, taking note of the fact that a transaction of Rs.23,00,000/- in cash is stated to have been made by the complainant. Therefore, in view of the directions issued by the Hon'ble Supreme Court in the matter of 'The Correspondence, RBANMS Educational Institution Versus B. Gunashekar & Another' passed in Civil Appeal No. 5200 of 2025 [arising from SLP(C) No. 13679 of 2022], the matter is required to be reported to the Income Tax Department, Govt. of India, for taking appropriate action in terms of the enabling provisions of the Income Tax Act, 1961 as per law.

Adjourned to 16.02.2026.

Reply, if any, be filed on or before the adjourned date with copy in advance to the learned counsel opposite.

In the meanwhile, the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of the petitioner joining the investigation, he shall be admitted to interim bail by the arresting officer/investigating officer on his furnishing of bail/surety bonds to the satisfaction of the arresting officer/investigating officer. The petitioner(s) shall also abide by the conditions as

specified under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) of 2023.

Let a copy of this order be also sent to the Income Tax Department, Govt. of India, for appropriate action as per the mandate of the Hon'ble Supreme Court in 'The Correspondence, RBANMS Educational Institution Versus B. Gunashekar & Another' (supra)."

4. On resumed hearing, counsel for the petitioner contends that the petitioner had joined the investigation.

5. Learned State counsel, however, contends that the recovery has not been effected.

6. Learned counsel appearing on behalf of the complainant refers to the reply filed on behalf of the complainant including photographs that has been appended by him as Annexure R-1. He contends that the said photographs show that the petitioner, alongwith his sister and the complainant, are together in one room wherein the petitioner can be seen counting the currency notes. On the basis thereof, counsel for the complainant contends that the involvement of the petitioner alongwith his sister/Kritika Sharma is well established and that he cannot plead ignorance of the business operations and works executed by his sister.

7. Counsel for the petitioner is not in a position to dispute that the persons featuring in the photographs (Annexure R-1) are the petitioner-Akash Kalia, his sister Kritika Sharma and the complainant.

8. In view of the aforesaid undisputed fact, it is apparent that the petitioner cannot be said to have no concern with the acts of his sister and

has actually participated in the transaction. He is seen counting the currency notes in presence of the complainant as well as his sister. Counsel has failed to offer any explanation for the same. It is thus apparent that a misstatement was made by the counsel for the petitioner, on instructions it seems, without knowing about the evidence of his involvement. There, thus being specific allegations against the petitioner coupled by prima facie evidence reflecting his active participation by way of receiving the money, there is no reason for this Court to accept his non-involvement or to extend the concession of anticipatory bail.

9. The present petition is accordingly dismissed.

(VINOD S. BHARDWAJ)
JUDGE

05.03.2026

Mangal Singh

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