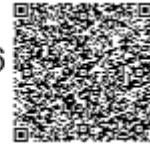


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:030716



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CRM-M-73363-2025 (O&M)
Date of decision:25.02.2026

Vijay Dilip Kuril

... Petitioner

Vs.

State of Punjab & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Abhishek Thakur, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. 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 arising out of FIR No.162, dated 18.07.2025, registered under Sections 406 and 420 IPC and Section 13 of the Punjab Travel Professional Regulation Act, at Police Station Kartarpur, District Jalandhar.

2. The aforementioned FIR was registered on the basis of a written complaint submitted by complainant – Navdeep Inder Singh, alleging that he was interested to go abroad. He was introduced with the present petitioner, who is an immigration agent by his friend Navdeep Singh. The petitioner had assured issuance of a visa for him for U.S.A. He had met the complainant in Punjab in April, 2023. On his asking, the complainant had

given a sum of Rs.2 lakhs in cash to the petitioner. His passport and other relevant documents were also given. In April, 2023, the petitioner had told the complainant that his visa for U.S.A. had arrived. On his asking, the complainant, transferred an amount of Rs.6 lakhs on 29.08.2023 in the account as disclosed by the petitioner. Thereafter, amount of Rs.7 lakhs was transferred to the petitioner in the bank account disclosed by him and an amount of Rs.4 lakhs was given to him in cash. The petitioner had further demanded a sum of Rs.14 lakhs, which after arranging, had been given by the complainant to his friend Navdeep Singh, who had transferred the said amount of money from his account to the present petitioner. An amount of Rs.99,000/- had been subsequently transferred to him by the complainant. On 08.02.2024, when the complainant reached at Delhi Airport for going to U.S.A., his passport was checked and he was told that his visa was not available. On being contacted, the petitioner assured the complainant that he would send him to U.S.A. and on insistence of the complainant, had transferred an amount of Rs.11 lakhs in the account of Navdeep Singh and sent an amount of Rs.1,95,000/- to the complainant. The aforementioned amount had, however, not been given to the complainant and when he insisted, threats were extended to him.

3. After registration of FIR, investigation proceedings were initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail, which has been dismissed by the Court of learned Sessions Judge, Jalandhar, vide order dated 08.10.2025.

4. It is argued by learned counsel for the petitioner that he has

been falsely implicated in this case. Navdeep Singh had acted as an intermediary throughout the transactions. The complainant had been issued a C1/D visa with multiple entries, which was valid upto 13.02.2028 by the U.S. Government after issuance of counsellor processing. There was no misrepresentation or inducement at the inception of the transaction, on the part of the petitioner. Infact, the visa that had been issued in favour of the complainant was revoked subsequently by the U.S. Department of State on 22.09.2023 under Section 221(i) of the U.S. Immigration and Nationality Act and was communicated by U.S. Consulate and Nationality, Mumbai to the complainant on the ground that some additional information had come to light after issuance of visa indicating possible inadmissibility and a mail from U.S. Consulate General, Mumbai in this regard was also received. It is further argued that the revocation of visa by the U.S. authorities was an independent sovereign act beyond the control and knowledge of the petitioner. This official communication did not attribute any fraud, misrepresentation or wrong doing to the petitioner. The petitioner through his travel company had lawfully procured a C1/D visa for the complainant. The allegations that a false visa had been issued are factually incorrect. After revocation of the visa, the petitioner had already returned an amount of Rs.11 lakhs by transferring the same in the bank account of Navdeep Singh and an amount of Rs.1,95,000/- has also been paid to the complainant. Now no money is payable by the petitioner to the complainant. The ingredients for commission of offences of cheating and criminal breach of trust are not at all attracted and rather falls flat as the essential ingredients of *mens rea* stand completely negated. It is, further, argued that the dispute remains one

of accounting, for which criminal prosecution is impermissible in law. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. It is, therefore, argued that he deserves to be extended benefit of pre-arrest bail.

5. On the last date of hearing, a specific query was put to the respondent/State as to whether any visa was issued in favour of the complainant by U.S. Government and had been revoked by the Embassy of U.S. or it had been found to be fake. Learned State counsel on instructions from DSP Narinder Singh, Sub Division Kartarpur, District Jalandhar, who is present in Court today, has submitted that a valid visa had been issued in favour of the complainant but the same was subsequently revoked by the U.S. Government. It is nonetheless argued by learned State counsel that since the entire money, which had been taken by the petitioner from the complainant has not been returned. Therefore, for conducting thorough and proper investigation in the matter, his custodial interrogation is must. It is, therefore, argued that the petitioner does not deserve to be extended the benefit of pre-arrest bail.

6. This Court has heard the rival submissions made by learned counsel for the parties.

7. The petitioner was alleged to have induced the complainant to part with a sum of Rs.15 lakhs on the premise of getting visa for U.S.A. issued against him. The allegations in the FIR are that fake and fabricated visa had been issued to the complainant. However, as discussed above, learned State counsel has informed this Court that the valid visa had infact been issued in favour of the complainant but the same was subsequently

revoked by the U.S. authorities. The act of revocation of this visa cannot be attributed to the present petitioner. The plea that he had returned an amount of Rs.12,95,000/- to Navdeep Singh and complainant respectively, has also not been controverted. Given the nature of the allegations as levelled against the petitioner, this Court is of the considered opinion that pre-trial incarceration of the petitioner is not required.

8. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail, subject to the condition that he shall surrender before the Investigating Officer/Arresting Officer within a period of 15 days from today and shall join the investigation. He shall also join investigation as and when required subsequently. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on bail on furnishing personal as well surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of BNS.

9. It is, however, clarified that nothing stated above shall have any bearing on the merits of the case.

10. Pending application(s), if any, shall also stands disposed of.

25.02.2026

harjeet

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No