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

(208-2)

Date of decision: 26.09.2025

(1) **CRM-M-47481-2025 (O & M)**

Astha Arora

.... Petitioner

V/s

State of Punjab

...Respondent

(2) **CRM-M-49609-2025 (O & M)**

Kamal alias Kamaldeep Singh

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Harpal Singh Sidhu, Advocate (in CRM-M-47481),
and Mr. Arun Singla, Advocate (in CRM-M-49609),
for the petitioners.

Mr. M.S. Toor, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

This order shall dispose of two criminal miscellaneous petitions
i.e. **CRM-M-47481-2025 and CRM-M-49609-2025** as they arise out of the
same FIR.

2. The petitioners, namely, Astha Arora (in CRM-M-47481-2025),
and Kamal alias Kamaldeep Singh (in CRM-M-49609-2025) seek the grant
of anticipatory bail under Section 482 of BNSS in case bearing FIR No.97
dated 20.07.2025 under Sections 318(4), 61(2) of BNS Act and Section 13 of

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the Punjab Travel Professionals (Regulation) Act, 2014 registered at Police Station Ranjit Avenue, District Amritsar.

3. For the sake of convenience, the facts are being taken from the petition bearing No. CRM-M-47481-2025.

4. The present FIR came to be registered at the instance of Dharinderpal Singh and reads as under:-

Complaint number 2385/PC-COP dated 03-05-25 submitted by Dharinderpal Singh son of Shri Ram Lal, village Marana, Tehsil and District Tarn Taran, received at the police station and the content of the same is as follows: To, The Hon'ble Commissioner of Police, Amritsar City: Subject: A complaint for taking legal action under the relevant sections against: DY Immigration 1. Kamal (Operational Head) Phone: 90239-53993, 2. Astha Arora (Money Collector) Phone: 91154-54015, 3. Manpreet Kaur (Filling Head) Phone: 90567-22361, 4. Vikas Sharma (Branch Head)- Phone: 76966-22997 CHANDIGARH, 5. Gaurav Sharma, Director of DY Immigration-Phone Nos. 8574688000, 75270-02000, 6. Sunita Sharma (Mother of Gaurav Sharma) Phone: 89308-84742, 72772-97000, 7. Sunny Bhatia (Branch Head, Partner Dy Immigration, Chandigarh) Phone: 72109-97210 for defrauding me of Rs 23,79,000/-on the pretext of obtaining a Family Visa for a foreign country. Sir, It is requested that I Dharinderpal Singh son of Shri Ram Lal am a resident of village Marana, Tehsil and District Tarn Taran. Last month, in August 2024, I saw an advertisement and went to DY Immigration, SCO 109, Fifth Floor, Ranjit Avenue, B-Block, Amritsar, assists in obtaining a Family Visa for the UK, I contacted them, and where I met with: 1. Kamal (Operational Head) Phone: 90239-53993 2. Astha Arora (Money Collector)

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Phone: 91154-54015 3. Manpreet Kaur (Filling Head) Phone: 90567-22361 4. Vikas Sharma (Branch Head) - Phone: 76966-22997 CHANDIGARH 5. Gaurav Sharma, Director of DY Immigration Phone Nos. 8574688000, 75270-020006. Sunita Sharma (Mother of Gaurav Sharma Phone: 89308-84742, 72772-97000 7. Sunny Bhatia (Branch Head, Partner Dy Immigration, Chandigarh) Phone: 72109-97210. The above-mentioned company settled deal with me on a total of Rs.27,00,000/- for the Family Visa and also made an agreement with me (a copy of which I have). The company made my wife, Simranjit Kaur, the Main Applicant. On 25.09.2024, I went to the company's office and swiped my credit card for Rs.3,54,000/-, and my wife and I handed over all our documents to the company. The company assured us that they have an office in Chandigarh and continued to talk to me on the phone. After that, in December 2024, I received a message on my mobile from Astha Arora (Money Collector) -Phone: 91154-54015, saying that your work had been completed and to deposit the remaining amount. My wife Simranjit Kaur, my friend Rohan Sharma, and I went to the company's office with the money. The remaining amount was Rs.19,46,000/-, which we withdrew from my wife Simranjit Kaur's account and handed over to the said Astha Arora (Money Collector) Phone: 91154-54015, who took the cash and kept it. After this, the company got our family's entire medical examination done on 11.01.2025 in Ludhiana, for which we paid Rs.10,000/- in cash. I also deposited Rs.55,000/- from my credit card for the Embassy File. After that, I paid Rs.14,000 for Biometric. The company first gave us a date of 07.04.2025 for Biometric, but later called me and said that the date had been canceled. Then the company said our new date would be 29.04.2025. After this,

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they continued to talk to me on the mobile phone. My Biometric was scheduled for 29.04.2025. I started calling them on 28.04.2025, but no one picked up my calls. To confirm, I went to the company's office on 28.04.2025 and saw that DY Immigration was locked. Seeing this, we became shocked. Respected Sir, I request that legal action be taken under the relevant sections against the aforementioned DY Immigration team 1. Kamal (Operational Head) Phone: 90239-53993 2. Astha Arora (Money Collector) Phone: 91154-54015 3. Manpreet Kaur (Filling Head) Phone: 90567-22361 4. Vikas Sharma (Branch Head) - Phone: 76966-22997 CHANDIGARH 5. Gaurav Sharma, Director of DY Immigration Phone Nos. 8574688000, 75270-02000 6. Sunita Sharma (Mother of Gaurav Sharma) Phone: 89308-84742, 72772-97000 7. Sunny Bhatia (Branch Head, Partner Dy Immigration, Chandigarh) Phone: 72109-97210 for defrauding me of Rs.23,79,000/ on the pretext of providing a Family Visa for a foreign country, and that my Rs.23,79,000/-be returned to me. Respected Sir, The above-mentioned culprits have closed their offices in Amritsar and Chandigarh and have run away. None of them are picking up their mobile phones, and their phones are switched off. Only Sunny Bhatia's (Branch Head, Partner DY Immigration, Chandigarh) phone is switched on, and he said that the company has gone bankrupt and he cannot do anything. I suspect that the above-mentioned culprits may flee the country. Please confiscate their passports and take legal action against them under the relevant sections. Note: I handed over all the money to Astha Arora (Money Collector) Phone: 91154-54015, and she kept assuring us that our work would be done soon, and she would connect me to the rest of the team from her mobile. Thank you SD/- Dharinderpal,

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5. The learned counsel for the petitioner-Astha Arora (in CRM-M-47481-2025) contends that Gaurav Sharma and Vikas Sharma are the main accused and the petitioner is a low-level employee working at a salary of Rs.20,000/- per month. She herself complained against the management of the company stating that her wages had not been paid. As she is ready and willing to join the investigation, she is entitled to the concession of anticipator bail.

6. The learned counsel for the petitioner-Kamal alias Kamaldeep Singh (in CRM-M-49609-2025) contends that no specific role has been attributed to the petitioner. As per the case of the prosecution, the money was handed over to Astha Arora. In fact, he was appointed as HoD (Operations) in the company only between 04.12.2023 and 11.04.2025. Gaurav Sharma and Vikas Sharma are the main accused as all the money had been received by them. As the petitioner is ready and willing to join the investigation, he too is entitled to the concession of anticipatory bail.

7. The learned counsel for the State has filed separate replies dated 25.09.2025 by way of affidavit of Rishabh Bhola, IPS, Assistant Commissioner of Police, North, Amritsar in both the petitions which are taken on record. While referring to the said replies he contends that both the accused are duly named in the FIR. The money (Rs.20,64,800/-) was apparently handed over to the petitioner-Astha Arora (in CRM-M-47481-2025) who was working as a Counselor at DY Immigration, on her assurance that the complainant and his family would be sent abroad very

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soon. Despite the payment of money, the complainant and his family were not sent abroad and the money had also not been returned.

As regards the petitioner-Kamal alias Kamaldeep Singh (in CRM-M-49609-2025), it is contended that he was working as the Operations Manager at DY Immigration. After receiving the money, Astha Aora had made the complainant and his wife meet the petitioner who alongwith co-accused/Vikas Sharma had told the complainant that their file would be submitted in the Embassy within a short period of time after which they would obtain the U.K. Visa. In fact, all the accused in connivance with each other cheated the complainant of Rs.20,64,800/- by promising to send him and his family abroad but did not do so and the money was not refunded back.

As the office stands *prima facie* established and the investigation is to be taken to its logical conclusion, the custodial interrogation of both the petitioners is certainly required and therefore, they are not entitled to the concession as prayed for. Hence, the present petitions are liable to be dismissed.

8. I have heard the learned counsel for the parties.

9. The Hon'ble Supreme Court in the case of '***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022(4) RCR (Criminal) 977***', has held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the *prima*

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facie case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

“It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.

Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

*We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. **In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may***

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not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

10. As per the allegations, Astha Arora (petitioner in CRM-M-47481-2025) who was working as a Counselor received the money from the complainant with the assurance that a U.K. Visa would be obtained for him and his family. Thereafter, the complainant was introduced to Kamal alias Kamaldeep Singh (petitioner-in CRM-M-49609-2025) working as Operations Manager at the same firm, promised that the U.K. Visa would be granted shortly after which the complainant and his family members were to travel abroad. However, despite the payment of Rs.20,64,800/- the complainant and his family members were not sent abroad and neither was the money being refunded. There as as many as 60 complaints pending against Gaurav Sharma, Vikas Sharma and others, some of which are also against the petitioner-Astha Arora (in CRM-M-47481-2025). The petitioner-Kamal alias Kamaldeep Arora (in CRM-M-49609-2025) is an accused in one other case of a similar nature arising out of FIR No. 103 dated

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30.07.2025 under Sections 420, 120-B IPC and Section 13 Punjab Travel Professionals Regulation Act, PS Ranjit Avenue, Amritsar.

11. In view of the fact that *prima facie*, the offence is made out against both the petitioners and they are serial offenders, they are not entitled to the concession of anticipatory bail. Therefore, the present petitions stand dismissed.

12. However, it is made clear that the observations made in this order are only for the purpose of deciding this bail applications and the Trial Court is free to adjudicate upon the matter on the basis of the evidence lead before it uninfluenced by any such observations made.

13. The pending application(s), if any, shall stand disposed of accordingly.

14. A copy of this order be placed on the files of the connected case i.e. **CRM-M-49609-2025 titled as 'Kamal alias Kamaldeep Singh versus State of Punjab'**.

September 26, 2025
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No