

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

210

CRM-M-13207-2025

Date of decision: 3rd April, 2025

Amandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

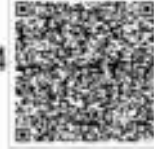
Present: Mr. Abhimanyu Batra, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of anticipatory bail to the petitioner in case arising out of FIR No. 170 dated 16.09.2024 registered under Sections 318(4), 61(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 24 of Immigration Act, at Police Station Division No. 5, District Police Commissionerate.

2. As per the prosecution case, the Embassy of United States of America through one Mr. Eric C. Molitors Overseas, Criminal Investigator and through its Regional Security Office, sent a written complaint to Director General of Police, Punjab alleging therein that two firms/companies namely, Red Leaf Immigration and Overseas Partner Education Consultants which were operating from the same address at Chandigarh, were involved in fraudulent activities by submitting wrong information on U.S. Online visa



applications to cheat U.S. Embassy in India and the Government of U.S.A., in order to obtain visas for United States of America. It was also informed that one case bearing FIR No.71 had been lodged by the Embassy at Police Station Chanakyapuri, Delhi on 21.05.2024 that had led to the arrest of its five agents and thereafter the aforementioned firms had sent applicants to the U.S. Consulates in Mumbai and Chennai. It was also alleged that on 06.06.2024, one Simran Thakur had applied for a non immigrant visa at U.S. Consulates in Mumbai by claiming that she had attended Swami Vivekanand University, Sagar in Madhya Pradesh but during the course of interview, she admitted that she had never attended the above named university and had not been issued any Bachelor of Science degree and was educated only up to 12th grade. She disclosed that she had been given documents regarding higher education from one Karan, a representative of Red Leaf Immigration in Chandigarh in lieu of a sum of Rs.2 lakhs and her visa application and documents annexed along with the same were also submitted by the visa agent of Red Leaf Immigration.

3. As per the allegations, the complainant also cited the names of some more applicants who had applied for visas through the aforementioned companies/firms on the basis of false/forged documents. The complainant also mentioned the name of one Ramneet Kaur who too had applied for a non immigrant visa at U.S. Consulate in Chennai by claiming that she had earned a diploma in Business Administration from M/s Dellsys, Chandigarh. However, during interview, she admitted that she had never studied there and procured the diploma documents for a sum of Rs.50,000/-. Similar information had been given by one Rahul Kumar who too had applied for



visa in U.S. and who disclosed that he had received educational certificates of Dellsys from Red Leaf Immigration for a sum of Rs.2 lakhs. Request was made for taking action in the matter.

4. On the basis of the complaint so lodged, the aforementioned FIR was registered. Investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner, who is director of M/s Red Leaf Immigration Private Limited, Chandigarh had filed an application for grant of pre arrest bail, which was dismissed by the Court of learned Additional Sessions Judge, Ludhiana vide order dated 01.10.2024.

5. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Though, he is director of M/s Red Leaf Immigration Company, which is engaged in the business of VISA consultancy services, however, his office is being managed and run through his staff and he is not a regular visitor to his office. His company had never engaged any person named as Karan as its VISA agent. His company or himself were never engaged in procuring or forging documents for the purpose of issuance of immigration visas for candidates. Infact, the candidate Simran Thakur, whose name was mentioned in FIR, was granted visa for United Kingdom also on the same documents. To save her own skin, she had falsely implicated the petitioner. He is not the beneficiary of the transaction. He is ready to join the investigation. His custodial interrogation is not required. Neither any recovery is to be effected from him. Accordingly, it is urged that the petition deserves to be allowed.

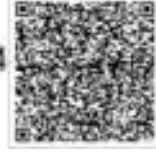
6. Status report has been filed by respondent-State. It is argued by learned Assistant Advocate General, Punjab, that there are serious



allegations against the petitioner, who in connivance with his wife i.e. co-accused Poonam, Ankur Kehar owner of Overseas Partner Education consultant and other co-accused had adopted an illegal way to get issued immigration visas for the candidates who approached them, by seeking wrongful gain of money. Fake degrees and certificates in the name of Simran Thakur had been got prepared by the company of the petitioner, though the said Simran Thakur had never obtained degree from the university, which was mentioned in that certificate. Similarly false diploma certificates in business administration and false experience certificates were got issued in the names of some other candidates as well. The petitioner along with the co-accused had prepared false documents for submission with visa applications to defraud US embassy and to defame his own country. His custodial interrogation is required to know the *modus operandi* adopted by the petitioner and also to recover the relevant documents. No exceptional or extra ordinary circumstance has even otherwise been made out for the purpose of extending benefit of pre-arrest bail to the petitioner. Accordingly, it is urged that the petition does not deserve to be allowed.

7. Rival contentions of both sides have been considered.

8. The petitioner is admittedly one of the directors of M/s Red Leaf Immigration. He is alleged to have connived with the co-accused and in pursuance of such conspiracy, is alleged to have got prepared false education certificates, experience certificates and degrees in favour of visa aspirants, for the purpose of getting visas issued from US Embassy by extracting huge amount of money. The documents which were purported to be issued by the company of the petitioner and were used by the visa applicants for issuance



of visas from U.S., have been found to be false. The complicity of the petitioner in commission of the subject offences is *prima facie* made out from the allegations in the FIR which are serious in nature. For the purpose of conducting thorough and proper investigation in the matter and eliciting information as to the manner in which the petitioner along with the co-accused had been manipulating issuance of false certificates, his custodial interrogation is must.

9. It is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The powers of anticipatory bail are extraordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discretion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court has also to see that an order of anticipatory bail should not operate as inroad in the normal legal procedure of criminal cases by the trial Court. The custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of



the powers for grant of anticipatory bail by this Court are existing. As such, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

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

[MANISHA BATRA]
JUDGE

3rd April, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*