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(202)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision : 09.10.2025

VICKY SHAH @ VARINDER RAJ

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Maneesh Bali, Advocate
for the petitioner.

Mr. M.S. Toor, A.A.G., Punjab.

Mr. Ravi Malhotra, Advocate
for the complainant.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 BNSS, 2023 is for the grant of anticipatory bail to the petitioner in case FIR No.55 dated 19.10.2024 (Annexure P-1) registered under Sections 406, 420, 465, 467, 468, 471, 120-B IPC and Section 13 of Punjab Travel Professional (Regulation) Act, 2014 at Police Station Fattu Dhinga District Kapurthala.

2. The present FIR came to be registered at the instance of Kailash Chander Puri S/o Kewal Krishan Puri and the same reads as under:-

“Complaint bearing number 38-PC dated 15.03.2024, To, The SSP, Kapurthala, Subject: Complaint against 1) Ashish Malhotra s/o Gulshan Malhotra r/o Preet Nagar, Back side Gurudwara Sahib Kapurthala (mobile: 70093-75874), 2)



Rehmat S/O unknown (Mobile:84378- 84831-88376-07369), 3) Vicky Sai S/O Unknown R/O Back Side Geeta Mandir, Model Town, Jalandhar, and other address Vicky Sai, Dera Village Desal, Kapurthala. 4) Disha (care of M/S Right Choice Services) registering case for duping the complainant for Rs. 33,50,000/- by making false promise of making passport of the son of complainant and getting citizenship for him in Canada. Sir, It is requested that I am Kalaash Chander Puri S/O Late Sh. Kewal Krishan resident of H.No. 2 Shalimar Avenue Back Side Lakshmi Narayan Mandir, Kapurthala and I submit as under: 1. That at present my age is 74 years and I am retired from Electricity Department. I have two sons whose names are Ashish Puri and Puneet Puri. My elder son is married and name of my daughter-in-law is Mamta Puri. 2. That my younger son Puneet Puri who went to Canada in the year 2011 on study basis and in 2020 his passport was expired and then he started living there unauthorizedly. Accused no. 1 Ashish Malhotra is relative of my daughter-in-law and for this reason he used to frequently visit our house and often we had conversation about my younger son Puneet. And in 2021 by considering accused no. 1 like our family member we disclosed to him that as the passport of Puneet has expired therefore he cannot apply for Permanent residency/citizenship in foreign nor he can come to India. Then Ashish Malhotra told me that he visits the Dera of Sai Vicky Shah and he has very good links and many of his devotees are abroad, so he can solve every problem and he can get permanent residency/citizenship for you son. I trusted the words of accused no. 1. Then my elder son and accused no. 1 went to the Dera of Vicky Shah where we had conversation with Vicky Shah and his brother Rehmat and they told us that they know one girl in Canada having permanent residency/citizenship and she can help in getting permanent residency/citizenship for your son. Then I told to accused no. 1 to 3 about expired passport of my younger son,



then they told me that you need not to worry as we have many known persons working in passport office and we will get the passport of your son renewed and then it will be sent to him and thereafter our girl will help him in getting permanent residency/citizenship. When I asked them about the expenditure then Vicky Sai said that we will take Rs 35 lakh for this task and it will be our responsibility to get permanent residency/citizenship for your son. permanent 3. That thereafter Ashish Malhotra, Vicky Sai and Rehamat in 2021 had received about Rs. 20,00,000/- from me on various dates which was given in presence of Manoj Gupta son of Late Kishan Lal resident of Mohalla Santpura, Kapurthala and Prabhleen Singh Kuldeep Singh resident of Krishna Avenue near Police Lines Kapurthala after withdrawing from my bank account taking and from my relatives. Above mentioned accused Rehmat often used to have chats withy my elder son and Puneet on phone from his mobile number +351937471271, I can present. Then the accused persons told me that the girl, who offered her help to get residency for Puneet, now has refused to help, now we have to get residency for Puneet in another way and they demanded another 15 lakh rupees. We were very upset that is why we agreed to their demand and then they took Rs.13,50,000/- from us on different dates, in lieu of renewing my son's passport and preparing documents to get him residency. Out of which one lakh rupees were deposited into account number 02520140007409 in ICIC Bank (in the name of Right Choice Service) belonging to one Disha as per their direction and after having talks with Disha on 06.07.2022. About which I can present statements of my account. 4. That after that they sent the renewed passport of my son Puneet to Canada but even after a long time they did not get permanent residency for him and kept lingering the matter. Then, when my son approached one of the Advocate in Canada and showed him his passport and documents for residency then he came to know that the passport provided by

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the above said all were shocked. Then we contacted them but they did not give any reply. When I asked the refund of money given by me then they flatly refused to the same. On the contrary, they started threatening me that they will not pay the money you can do whatever you want to do. Therefore, I request you personally to file a case of fraud against the said accused persons and take legal action against them. You will be very kind. Your faithfully, Kalaash Chander Puri.”

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The allegations pertain to cash transactions without any corroborative evidence. In fact, all the money has been received by co-accused Ashish Malhotra, a relative of the complainant who has since been exonerated by the Police. As the petitioner has joined investigation, he is entitled to the concession of anticipatory bail.

4. On the other hand, the learned State counsel along with the learned counsel for the complainant while referring to the status report dated 10.05.2025 contend that the complainant has been cheated of an amount of Rs.33,50,000/-. A sum of Rs.3,50,000/- was paid for the passport renewal and Rs.30 lakhs for securing permanent residency (citizenship in Canada). Rs.3,50,000/- has been received by the petitioner at the house of the complainant. Rs.10 lakhs has been received by the petitioner and his brother Rehmat during a meeting in Amritsar. Rs.9,00,000/- has been handed over to Rehmat in the presence of the petitioner. The withdrawals from the complainant's bank accounts are coinciding with the meetings involving the petitioner. It is the petitioner



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who had sent a video clip of the fake passport to the elder son of the complainant on the mobile phone. It later transpired that the actual passport was in the name of one Priya D/o Rajesh Kumar Sharma R/o Nurmehal, District Jalandhar, Punjab. In fact, it is the petitioner who was the central figure proposing the fraudulent scheme of acquiring Canadian citizenship through a girl residing in Canada and has received the money from the complainant party. As the offences stand *prima facie* established and the investigation is to be taken to its logical conclusion, the custodial interrogation of the petitioner is certainly required and therefore, the present petition is liable to be dismissed.

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

6. The Hon'ble Supreme Court in the case of ***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr.*** 2022 Live Law (SC) 870 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 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 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.

7. A perusal of the FIR and the status report dated 10.05.2025 would reveal that the petitioner and his brother have received an amount approximately Rs.22.5 lakhs to provide a passport to the son of the complainant and to settle him permanently in Canada. The allegations of the petitioner receiving money have been substantiated from the complainant's bank accounts showing significant withdrawals coinciding with the meetings involving the petitioner. The video clip of the fake passport has been sent by the petitioner to the elder son of the complainant. It transpired that the passport actually stood in the name of one Priya D/o Rajesh Kumar Sharma R/o Nurmehal, District Jalandhar, Punjab. The eye-witness accounts are available on the record from the statements of the complainant, his elder son Ashish Puri and friends Manoj Gupta and Prabhleen Singh all of whom have confirmed the role of the petitioner. In fact, he is the central figure who proposed the fraudulent scheme of securing Canadian Citizenship using the services of a girl residing in Canada for the son of the complainant for which he and his co-accused have received a huge amount of money. Therefore, apparently, the offences stand *prima facie* established. Even otherwise, the investigation is to be taken to its logical conclusion for which the custodial interrogation of the petitioner is certainly required.

8. In view of the aforementioned discussion, I find no merit in the present petition. Therefore, the same stands dismissed.

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9. However, the observations made hereinabove are only for the purposes of deciding this bail petition and the Trial Court is free to adjudicate upon the matter on the basis of the evidence led before it uninfluenced by any such observations made herein.

(JASJIT SINGH BEDI)
JUDGE

09.10.2025

JITESH

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