



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.74090 of 2025 (O&M)
Date of Decision:16.01.2026

Kuldeep Singh

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Deepak Goyal, Advocate for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

1. Seeking for the benefit of anticipatory bail, the instant petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in a case arising out of FIR No.67 dated 22.04.2025, under Section 318(4), 336(2), 336(3), 338, 340 and 60 of Bharatiya Nyaya Sanhita, 2023, hereinafter being referred to as 'BNS', Police Station Mataur, District SAS Nagar.

2. In nut-shell the facts emerging from the record are that the FIR of this case came into being at the instance of 'Overseas Criminal Investigator', office of Regional Security Office, U.S. Embassy, New Delhi, hereinafter being referred to as complainant only. It was alleged by the above named complainant that visa agent 'Deepti', 'Lovedeep Singh Sodhi' and unknown agents were operating in Punjab, and they they were suspected of submitting fraudulent information on the portal of US Embassy. It was further reported that on 07.01.2025 an individual identified himself as 'Lovepreet Singh' had applied for



non-immigrant visa and submitted a Bachelor of Arts Degree purported to be issued by 'Chhatrapati Shahu Ji Maharaj University', Kanpur, Uttar Pradesh. According to complainant, during the course of interview with US Consulate officials on 07.01.2025 'Lovepreet Singh' admitted that he had not earned the above mentioned degree from the abovesaid university and that all the documents submitted by him with regard to his educational qualification were forged.

3. It is the case of the prosecution that in view of above mentioned information formal FIR of this case was lodged and the investigation taken up. According to prosecution during the course of investigation when statement of 'Lovepreet Singh' was recorded it came on surface that fake educational certificates were procured by him through 'Kuldeep Singh' (petitioner herein).

4. Heard.

5. The learned State Counsel has filed reply by way of affidavit of Deputy Superintendent of Police, Sub Division City-I, District SAS Nagar, Mohali. The same be taken on record.

6. It has been contended on behalf of petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime and that he has been falsely implicated in the present case merely, on the basis of a statement suffered by co-accused. As per learned counsel for the petitioner, there is no evidence to link the petitioner with the commission of crime, and that the statement of co-accused implicating the petitioner is neither credible nor worth reliable. According to learned counsel for the petitioner otherwise also the same is not admissible in evidence.



7. In addition to above, the learned counsel for the petitioner has also argued that the petitioner has clean antecedents and that offence is triable by Magistrate. In view of above mentioned prevailing factors the learned counsel for the petitioner has craved for the benefit of anticipatory bail for the petitioner.

8. The learned State counsel has controverted the above mentioned arguments. It has been contended by learned State counsel that instant case is a case wherein very specific and categorical allegations are there with regard to the role played by the petitioner in the commission of offence. As per learned State counsel, the allegations against the petitioner are that he was instrumental in preparing the false/fake documents with regard to educational qualification of 'Lovepreet Singh'. As per learned State counsel in order to fix the role of petitioner in the commission of crime and in order to unearth the source from where such documents were procured, custodial interrogation of the petitioner is required.

9. In addition to above, the learned State counsel has also argued that the instant case is not an ordinary case wherein usual parameters meant for anticipatory bail should be applied. According to learned State counsel in the present case the fraud was played with the foreign embassy and the fraud played by the petitioner is going to telling effect on all the aspirants craving for US Visa. As per learned State counsel in view of above mentioned conduct of the petitioner which will definitely adversely impact the image of Indians in US Embassy the magnitude of the implications of the act of petitioner is very large and therefore, it is necessary to trace the elements and sources involved in the commission of such offence. In view of above contentions the learned



State counsel has argued that the petitioner is not entitled for the benefit of anticipatory bail.

10. The record has been perused carefully.

11. A careful perusal of the record shows that in the present case there are very specific allegations against the petitioner that he was instrumental in providing fake documents with regard educational qualification of co-accused 'Lovepreet Singh', which were used the same in US Embassy.

12. In my considered opinion the above mentioned peculiar factual matrix of the instant case justifies the contention of learned State counsel that in order to unearth the entire chain of illegal activities pertaining to creation of fake documents pertaining to educational qualification, the custodial interrogation of the petitioner is necessary.

13. It is pertinent to mention here that the petitioner is seeking extraordinary remedy by claiming the benefit of anticipatory bail. With regard to such relief, the Hon'ble Supreme Court in the case of 'Srikant Upadhyay v. State of Bihar 2024 SCC OnLine SC 282', has observed that power to grant anticipatory bail is extraordinary power, and that irrespective of the fact that in a number of cases, it has been held that bail is a rule, it cannot; by any stretch of imagination, be said that anticipatory bail is a rule.

14. The Hon'ble Supreme Court in the above mentioned case has further observed that rule of anticipatory bail is a question of judicial discretion depending upon the facts and circumstances of each case. According to Hon'ble Apex Court, when called upon to exercise the abovesaid power the Court concerned has to be very cautious, as the grant of interim protection to



the accused in serious cases may lead to miscarriage of justice and may hamper the investigation.

15. Similarly, in the case of ‘Nikita Jagganath Shetty alias Nikita Vishwajeet Jadhav v. The State of Maharashtra and Another (Special Leave Petition (Criminal) No. 10255 of 2024, decided on 21.07.2024)’, the Hon'ble Supreme Court of India has held that anticipatory bail is an exceptional remedy and it ought not be granted in a routine manner. As per the Hon'ble Supreme Court, there must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offence.

16. Similarly, in the case of ‘Gurbaksh Singh Sibba etc. v. State of Punjab 1980 SCC (2) 565’, the Hon'ble Supreme Court of India held that:-

- (1) The power under Section 438, Criminal Procedure Code, is of an extraordinary character and must be exercised sparingly in exceptional cases only.
- (2) In addition to the limitations mentioned in Section 437, the petitioner must make out a special case for the exercise of the power to grant anticipatory bail.
- (3) Where a legitimate case for the remand of the offender to the police custody under Section 167(2) can be made out by the investigating agency or a reasonable claim to secure incriminating material from information likely to be received from the offender under Section 27 of the Evidence Act can be made out, the power under Section 438 should not be exercised.



17. Taking into consideration the abovementioned facts and circumstances of the case, vis-à-vis the fact that the remedy of anticipatory bail is an extraordinary, it is hereby held that in the given fact situation, if the valuable right of custodial interrogation available to the investigating agency is denied, it will not only hamper the investigation, but may lead to a situation wherein the investigating agency will be precluded from collecting crucial and relevant evidence. Since to elucidate the role of petitioner in the commission of crime, his custodial interrogating is of utmost importance and the same is required by the police, it is hereby held that the petitioner is not entitled for the benefit of anticipatory bail.

18. In view of above, it is hereby held that being devoid of merits, the present petition deserves dismissal. Hence, the same is hereby dismissed, accordingly.

19. Pending miscellaneous application(s), if any, shall also stand disposed of.

(SURYA PARTAP SINGH)
JUDGE

16.01.2026

Manoj Bhutani

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