



2025:DHC:6147



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% **Reserved on: 11th July, 2025**

Pronounced on: 28th July, 2025

+ **BAIL APPLN. 1951/2025, CRL.M.A. 15761/2025 & CRL.M.A. 15763/2025**

JARNAIL SINGH

S/o Late Darshan Singh,
R/o Prime English Academy,
Amritsar Road,
Opposite Shalimar Bagh,
Mohalla Sheranwala,
Police Line, Kapurthala,
Punjab 144601

EMAIL: bhavnakapur11@gmail.com

.....Petitioner

Through: Appearance not given.

versus

STATE (GOVT OF NCT OF DELHI)

Through its SHO,
PS Chanakyapuri,
New Delhi

Email: standingcounselgnctd@gmail.com

.....Respondent

Through: Mr. Utkarsh, APP for the State with SI
Manoj Kumar P.S. Chankyapuri.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Bail Application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 [corresponding to Section 438 of the Code of Criminal Procedure, 1973 (Cr.P.C.)] has been filed on behalf of the Applicant, Jarnail Singh seeking **Anticipatory Bail** in FIR No. 02/2025 dated 02.01.2025 under Sections 318(4)/336(3)/340(2)/61(2) of the Bharatiya Nyaya Sanhita (BNS), 2023 [corresponding to Sections



420/468/471/120B of the Indian Penal Code, 1860 (IPC)] registered at P.S. Chanakyapuri.

2. The Applicant/Jarnail Singh, 43 years old, is a law-abiding citizen of India with no previous criminal antecedents. He is the sole proprietor of a duly licensed IELTS Coaching Centre, Travel Agency, and Consultancy operating in Kapurthala, Punjab.

3. It is submitted that as per the FIR, the main accused, Mandeep Singh, was enrolled as a student in the Applicant's coaching Institute on 01.09.2024. The total course fee was Rs. 98,000/-, which included form filling, SEVIS fees, Embassy fees, and course fees. He paid his fee in two UPI installments on 08.12.2024 and 09.12.2024 on account of his financial hardships.

4. On 02.01.2025, co-accused Mandeep Singh applied for a non-immigrant VISA at the U.S. Embassy in Delhi, presenting his Indian Passport as proof of identity. As part of the VISA Application process, he submitted a Bachelor of Science degree from I.K. Gujral Punjab Technical University, Jalandhar, Punjab, along with several other supporting documents. However, during the VISA Interview, Mandeep admitted that the degree Certificate, the bank balance confirmation Letter, and the Bank Statements were all fraudulent. Upon further questioning, he revealed that these forged documents were provided by Applicant/Jarnail Singh, to whom he had paid Rs.2,00,000/- for assistance in obtaining and submitting the paperwork. *Based on Mandeep Singh's statement, the FIR was registered against both, Mandeep Singh and Applicant/Jarnail Singh.*

5. The Applicant moved an Anticipatory Bail Application before the Ld. ASJ wherein the IO had stated that the Applicant had been served a Notice



under Section 35(3) BNSS (*corresponding to Section 41 and 41A Cr.P.C.*), but he has failed to join the investigation. However, it is submitted that the absence of the Applicant was only due to a leg fracture that required a month of bed rest.

6. The Ld. ASJ directed the Applicant to appear before the IO on 10.02.2025. The Applicant had complied with the directions of the Ld. Court and joined the investigation on 08.02.2025, 10.02.2025, and 12.02.2025. The IO seized the Printer, Office Smartphone, and SIM card, though no Seizure Memo was issued. On further investigations, nothing transpired from the WhatsApp chats of the Applicant and the main Accused which could show any involvement of the Applicant in the alleged offence.

7. The Bail Application was dismissed as withdrawn by Ld. ASJ on 24.02.2025. Subsequently, the Second Bail Application was filed and was also dismissed by the Ld. ASJ *vide* Orders dated 25.04.2025, purely on technical grounds and not on merits.

8. Hence, the present Anticipatory Bail is sought on the **grounds** that all material evidence, including the alleged forged documents and relevant electronic devices, have already been seized by the Investigating Agency, and no recovery remains pending from the Applicant.

9. The Applicant's role was limited to assisting with the VISA Application, which was done in good faith based solely on the documents provided by Mandeep Singh. In fact, the Applicant was misled by Mandeep Singh into believing that the documents were genuine.

10. Furthermore, there is absolutely no direct, indirect, or circumstantial evidence that links the Applicant to the principal accused or to the alleged



offence. The Applicant's mother is 76- years-old, who is entirely dependent on him for her medical and daily needs.

11. It is further submitted that the Applicant has been willing to cooperate and has already joined investigation on two occasions i.e. 10.02.2025 and 12.02.2025.

12. Reliance is placed on the judgment of Munna Prasad Verma vs. State of UP & Anr., Criminal Appeal No. 1414 of 2022.

13. Reliance is also placed on Gurbaksh Singh Sibbia vs. State of Punjab, (1980) 2 SCC 565 wherein it was held that while considering grant or denial of Bail, the Court has to consider (1) gravity of offence; (2) nature of evidence on record against the Accused; (3) likelihood of Accused committing further offences; (4) previous criminal antecedents; (5) likelihood of Accused absconding or evading process of law and (6) larger interest of the public or the state.

14. *It is, accordingly prayed that the Applicant be granted Anticipatory Bail.*

15. ***The Status Report has been filed on behalf of the Respondent/State***, wherein it is submitted that the FIR No. 02/2025 dated 02.01.2025 was registered on the Complaint of Mr. Eric Molitors, Supervisory Overseas Criminal Investigator Regional Security Office, U.S. Embassy, New Delhi against Accused/Mandeep Singh and the Applicant/Jarnail Singh.

16. The allegations were that the Accused/Mandeep Singh applied for a non-immigrant VISA at the US Embassy wherein he claimed that he has a Bachelor of Science degree from I.K. Gujral Punjab Technical University, Jalandhar, Punjab from 2013-2015. He also presented a Bank Balance



Confirmation Certificate issued by HDFC Bank with a balance of Rs. 39,12,774.19/-.

17. During the course of investigation, a Notice under Section 35(3) BNSS(*corresponding to Section 41 and 41A Cr.P.C.*) was served to the co-accused/Mandeep Singh and upon interrogation, he disclosed that he had filled his VISA Application Form through his agent, Jarnail Singh (the Applicant herein), and had paid Rs. 2,00,000/- for said services. He admitted that he did not have the Bachelors Degree and the original degree/Certificates are forged and were provided to him by the Applicant.

18. A search was conducted at the Applicant's office address; however, the premises were found closed and locked. Subsequently, on 04.01.2025, a Notice under Section 35(3) BNSS was affixed at the Office gate, directing the Applicant to join the investigation on 07.01.2025. The Applicant, however, failed to appear on the said date and thereafter, applied for an Anticipatory Bail.

19. It is stated that though the Applicant joined investigation on 10.02.2025 and 12.02.2025, but he did not cooperate. During the joint interrogation of both the Accused persons, Mandeep Singh disclosed that the forged Degree was provided by the Applicant on WhatsApp, after printing the same from his office printer. It is further stated that the WhatsApp Chats between Mandeep Singh and the Applicant were recovered in which the forged degree/documents were forwarded by the Applicant to Mandeep Singh, on 07.12.2024. It was also disclosed that the Applicant has sent the scanned PDF to his another mobile and then sent to Mandeep Singh.

20. The Applicant, however, disclosed that he had processed the VISA Application of Mandeep Singh and has charged Rs. 98,000/- for



consultations. Additionally, one mobile phone and office printer were seized from the Applicant.

21. Subsequently, Notices under Section 35(3) BNSS were again served to the Applicant to join investigation on 14.02.2025, 25.02.2025, 30.03.2025 but has not joined the investigation.

22. During investigation, the Bachelor of Science Degree on verification was found to be fake/forged. Furthermore, the CDR records reveal that the Accused persons were in continuous contact.

23. On 07.04.2025, the Applicant joined investigation and disclosed that in fact, Mandeep Singh had provided him with the degree/ certificates which he had scanned and printed at his office. Later, the mobile phone of the Applicant was examined and it was found that the Applicant has destroyed/deleted the WhatsApp chats/data of his mobile phone before 13.01.2025. When enquired about the same, the Applicant stated that he got his mobile phone repaired on 27.12.2024.

24. On 05.06.2025, the Applicant and co-accused joined the investigation and were jointly interrogated, but the Applicant did not disclose about the source of the degree.

25. The **Bail is opposed on the grounds** that the Applicant and the co-accused have prepared a forged degree of a Government Institution, recovery of which has not yet been made.

26. The alleged persons who had prepared the forged documents are yet to be identified. The Applicant has not cooperated during the interrogation and the gravity of offence is serious. Further, the Applicant may obstruct the investigation by committing further offences or by tampering with relevant evidence.



27. Accordingly, it is prayed that the present Bail Application be dismissed.

Submissions heard and record perused.

28. The case of the prosecution is that the Applicant/Jarnail Singh who is running IELTS Coaching Centre, facilitated VISA fraud by providing forged educational documents to his client, Mandeep Singh (co-Accused) for use in a U.S. VISA Application. It is alleged that the Applicant created fake Bachelor of Science Degree Certificates along with fraudulent bank statements and Balance Confirmation Letters, which he then scanned, printed at his office, and forwarded to Mandeep Singh through WhatsApp for submission to the U.S. Embassy, for which he received Rs.2,00,000/-.

29. However, the Applicant has denied creation of the said documents and has joined the investigation on two occasions i.e. 10.02.2025 and 12.02.2025. Also, the printer and mobile phone which were allegedly used in the commission of the Offence have been seized. Furthermore, it emerges that the investigations are essentially based on the documents which have already been recovered.

30. Similar facts were considered in the case of Munna Prasad Verma vs. State of UP & Anr., Criminal Appeal No. 1414 of 2022, wherein the Appellants, who were members of a Selection Committee, were accused of relying on forged documents submitted by a candidate. The Apex Court held that merely relying on documents presumed to be genuine, without any role in their creation or verification, does not establish direct or indirect involvement in the alleged offence. It was further observed that in the absence of any *prima facie* evidence linking the Appellants to the



commission of the crime, continuation of proceedings would amount to an abuse of the process of law.

31. Pertinently, there is no material on record to suggest that he is a flight risk or is likely to tamper with evidence, which is essentially in possession of the Investigation Officer, or influence witnesses. There is no reason apparent for custody of the Applicant.

32. Having regard to the aforesaid circumstances, it is directed that in the event of his arrest, the Applicant shall be admitted to Anticipatory Bail by the Investigating Officer/Arresting Officer, subject to the following conditions:-

- (i) The Petitioner/Accused shall furnish a personal bond in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the Investigating Officer/Arresting Officer.
- (ii) The Petitioner/Accused shall join the investigations, as and when called by the Investigating Officer and shall co-operate during the investigations.
- (iii) The Petitioner/Accused shall furnish his cellphone number to the Investigating Officer on which he may be contacted at any time and shall ensure that the number is kept active and switched-on at all times.
- (iv) The Petitioner/Accused shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case.
- (v) The Petitioner/Accused shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.



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33. The Application stands disposed of in the above terms. Pending Application(s), if any, also stands disposed of.

34. Copy of the Order be sent to the learned Trial Court for compliance.

**(NEENA BANSAL KRISHNA)
JUDGE**

JULY 28, 2025/RS