

Bail Appl. No. 374/2026
FIR No. 799/2025
U/Sec.318(4)/336(3)/340(2)/61(2) BNS
& U/Sec. 12 PP Act
PS IGI Airport
State Vs. Kartik Sharma

24.02.2026

Present: Sh. Ajay Kumar Aggarwal, Ld. Addl. PP for the State.
Sh. Aamir Chaudhary, Ld. Counsel for applicant/ accused.
IO SI Saveen Kharb, absent.
SI Rajesh Kumar on behalf of IO, in person.

1. Today, matter is fixed for consideration upon the application seeking regular bail u/sec. 483 BNSS moved on behalf of applicant/ accused Kartik Sharma.

2. The *brief facts* as per FIR are that it was registered on 24.11.2025, that one passenger namely Parth Ashok Kumar Patel S/o Ashok Kumar Rama Bhai Patel R/o H. No. D-201, Vedant Shreeji Enclave, Science City Road, Sola, Ahmedabad, Gujarat, approached immigration clearance to board the flight for Canada on the strength of Canadian Permanent Resident Card. During scrutiny of his PR Card, it was confirmed by the ALO that the PR Card of Canada is fake. Hence, he was taken to police station IGI Airport and the above said case was registered against the accused person.

3. During the course of investigation, accused Parth Ashok Kumar Patel was arrested and he was taken on Police Custody for 08 days. During interrogation, accused Parth Ashok Kumar Patel confessed

that he wanted to go Canada by illegal means and he came in contact of Harsh Patil, Manmeet Singh and Sanjeev Gupta who used to send people abroad by making fake travel documents. The deal was got done in total amount of Rs. 30 Lakhs and the accused Parth Ashok Kumar Patel paid total Rs. 3,10,000/- by cash and UPI payments in the account provided by co-accused persons named above. During further investigation, a raid was conducted at Vasai area from where the co-accused Harsh Patil S/o Pramod Patil R/o Nirmal Nawale. Nallasopara West, Aashirwad Banglow, Vasai, Maharashtra, was also arrested and produced before the Hon'ble Court and his PC remand was obtained for 02 days. During the PC remand of accused Harsh Patil, a raid was conducted at Village Majra Dubaldhan from where co-accused Manmit S/o Jitender R/o Village Majra Dubaldhan, Distt. Jhajjar, Haryana, was arrested and he was interrogated at length. During interrogation, he confessed his guilt and his disclosure statement was recorded separately in which he disclosed that his associate namely Rishabh Singh Bhadoriya provided the fake Canadian PR card to him and he further gave the same to Parth Patel. Thereafter, another raid was conducted at house of accused Rishabh Singh Bhadoriya and he was arrested. Then, he was taken on PC remand to nab the applicant herein namely Kartik Sharma and a raid was conducted at his house but he was not found present at his house and is absconding. A Notice was also served upon his mother. Then, on 16.02.2026, applicant Kartik Sharma surrendered before the Court and was arrested and further taken on PC remand for 02 days. During his

interrogation, he disclosed that he designed the fake Canadian PR Card by using his laptop and the Parth Patel was facilitated immigration clearance by his associate namely Sunil Mehra @ Sam. He has contacts with immigration staff. During his PC, a raid was conducted at Flat No. 31, 3rd Floor, 55 Foot Road, Vipin Garden, Dwarka More, New Delhi, where he was not found residing. His details have been obtained and further efforts are being made to trace his whereabouts.

4. In the bail application, following grounds were taken by the applicant/ accused, which are mentioned below :-

- a) That applicant/ accused is residing in Haryana and his name cropped on the disclosure statement of co-accused Rishbah Bhadoriya who disclosed that the applicant has provided the fake Canada PR.
- b) That applicant approached for anticipatory bail which were dismissed by the Hon'ble Higher Courts for the want of recovery of laptop and custodial interrogation of the applicant.
- c) That all the other four co-accused persons have already been granted regular bail in the present case FIR.
- d) That applicant has surrendered himself before the Hon'ble Concerned Court and the applicant was sent to 2 days PC remand and the applicant joined the investigation and co-operated in the investigation.
- e) That co-accused has been identified by investigating officer.
- f) That the applicant has not committed anything contrary against the law and has been made an accused on disclosure statement of the co-accused.
- g) That investigation has been completed and the applicant/accused is no more required for custodial interrogation.

- h) That applicant is not a previous convict and is having clean antecedents and also no apprehension to tamper the evidence or flee from the justice.
- i) That applicant/accused is having his permanent address in Haryana and there is no chance of his absconding or tampering with the prosecution witnesses and applicant is not a previous convict.

5. Ld. Addl. PP for the state has vehemently opposed the present application on the ground that allegations are serious in nature, investigation is at the nascent stage and therefore, present bail application must be dismissed.

6. IO has filed reply opposing the present bail application by referring to the facts of this case. He has also stated that in-depth investigation is required for the purpose of completing investigation. He has further stated that applicant/ accused is found actively involved in commission of crime and he prepared the fake PR Card and further gave to co-accused Risbah Singh Bhadoriya. It has further been stated that co-accused Sunil Mehra is yet to be arrested.

7. I have heard the arguments advanced by Ld. Counsel for applicant/ accused, Ld. Addl. PP for the State and have carefully perused the record.

8. Before deciding present bail application, I must mention here the relevant law governing bail applications.

9. Hon'ble Apex Court had the occasion to appreciate the law regarding regular bail in case titled as ***Ms Y Vs. State of Rajasthan, Crl. Appeal No. 649/2022 dated 19.04.2022***, I am quoting relevant paragraphs of the said judgement, below :-

8. This Court has, in a catena of judgments, outlined the considerations on the basis of which discretion under Section 439, CrPC has to be exercised while granting bail. In Gurcharan Singh v. State (Delhi Administration), (1978) 1 SCC 118 this Court has held as to the various parameters which must be considered while granting bail. This Court held as follows:

“24. ...Even so, the High Court or the Court of Session will have to exercise its judicial discretion in considering the question of granting of bail under Section 439(1) CrPC of the new Code. The overriding considerations in granting bail to which we adverted to earlier and which are common both in the case of Section 437(1) and Section 439(1) CrPC of the new Code are the nature and gravity of the circumstances in which the offence is committed; the position and the status of the accused with reference to the victim and the witnesses; the likelihood, of the accused fleeing from justice; of repeating the offence; of jeopardising his own life being faced with a grim prospect of possible conviction in the case; of tampering with witnesses; the history of the case as well as of its investigation and other relevant grounds which, in view of so many valuable factors, cannot be exhaustively set out.”

9. The above factors do not constitute an exhaustive list. The grant of bail requires the consideration of various factors which ultimately depends upon the specific facts and circumstances of the case before the Court. There is no strait jacket formula which can ever be prescribed as to what the relevant factors could be. However, certain important factors that are always considered, inter alia, relate to prima facie involvement of the accused, nature and gravity of charge, severity of punishment, and character, position and standing of accused [see State of U.P. v. Amarmani Tripathi, (2005) 8 SCC 21].

10. At the stage of granting bail the Court is not required to enter into a detailed analysis of the evidence in the case. Such an exercise may be undertaken at the stage of trial.

12. The above principle has been consistently followed by this Court. In Prasanta Kumar Sarkar v. Ashis Chatterjee, (2010) 14 SCC 496 this Court held as under:

“9. We are of the opinion that the impugned order is clearly unsustainable. It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:

(i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;

(ii) nature and gravity of the accusation;

(iii) severity of the punishment in the event of conviction;

(iv) danger of the accused absconding or fleeing, if released on bail;

(v) character, behaviour, means, position and standing of the accused;

(vi) likelihood of the offence being repeated;

(vii) reasonable apprehension of the witnesses being influenced; and

(viii) danger, of course, of justice being thwarted by grant of bail.

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10. It is manifest that if the High Court does not advert to these relevant considerations and mechanically grants bail, the said order would suffer from the vice of nonapplication of mind, rendering it to be illegal.....”

14. Recently, a three Judges’ Bench of this Court in Jagjeet Singh & Ors. V. Ashish Mishra @ Monu & Anr. in Criminal Appeal No. 632 of 2022, has reiterated the factors that the Court must consider at the time of granting bail under Section 439 CrPC, as well as highlighted the circumstances where this Court may interfere when bail has been granted in violation of the requirements under the abovementioned section. This Court observed as follows:

“28. We may, at the outset, clarify that power to grant bail under Section 439 of CrPC, is one of wide amplitude. A High Court or a Sessions Court, as the case may be, are bestowed with considerable discretion while deciding an application for bail. But, as has been held by this Court on multiple occasions, this discretion is not unfettered. On the contrary, the High Court of the Sessions Court must grant bail after the application of a judicial mind, following well established principles, and not in a cryptic or mechanical manner.”

10. So, it is the applicability of above-mentioned law, on the facts of this case, which is required for the purpose of deciding present application. Keeping in mind above-mentioned understanding of law, I am proceeding further.

11. Reverting back to facts of present case, I find that IO has not specified in his reply as to what purpose will be served by keeping applicant/ accused in custody. He has not explained as to what part of investigation is pending qua applicant/ accused. Further, it is admitted position that co-accused persons namely Rishabh Singh Bhadoriya, Harsh Pramod Patil and Manmit, have already granted bail in this case.

12. Coupled with the same, I find that the fact that another co-accused namely Sunil Mehra is absconding, does not make the present bail application, meritless. IO has all the rights to proceed against the said accused who is absconding, as per law. Said procedure as such does not justify further custody of applicant/ accused. There is no flight risk.

13. Apart from aforesaid aspect, applicant/ accused has clean antecedents. There is no specific allegation based on reason that accused may tamper with the evidence and influence the witnesses.

14. Therefore, objections taken by IO, do not make out any ground for dismissal of present bail application.

15. Further, the gravity of the offence cannot be the sole ground to deny bail. Reliance in this regard is placed upon *Sunder Singh Bhati Vs. The State, Bail Appl. No. 3750/2021* decided by Hon'ble Delhi High Court on 17.01.2022.

16. In view of the aforesaid appreciation, applicant/ accused Kartik Sharma is granted bail on furnishing of PB/SB in the sum of Rs.50,000/- with one surety of like amount, subject to the satisfaction of Ld. JMFC concerned/ Ld. Duty JMFC concerned/ Court concerned.

The bail is subject to the following terms and conditions :-

- a) Accused shall not leave Haryana without permission of court;
- b) Accused shall not influence the witness;
- c) Accused shall not tamper with the evidence;
- d) Accused shall mark his presence through VC to IO on 15th of each English Calender month.
- e) Accused shall share his mobile phone number with IO and shall ensure that the number is kept active and switched-on at all times;
- f) Accused shall be available at the address mentioned by him in the bail bonds and in case of any change, IO shall be intimated in advance.

17. Present application stands disposed of accordingly.
Order Dasti.

[Prashant Sharma]
ASJ-03, New Delhi District
Patiala House Courts, New Delhi
24.02.2026