2026:PHHC:087680

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-21455-2026
Date of decision: 17.06.2026

Sonia ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Keshav Chadha, Advocate for the petitioner (Through VC).

Mr. Ravneet Singh Joshi, DAG, Punjab.

Mr. Balbir Singh Sewak, Advocate for the complainant.

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DEEPAK GUPTA, J. (ORAL)

By way of the present petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner seeks grant of anticipatory bail in FIR No.176 dated 11.11.2025 registered under Sections 406 and 420 IPC at Police Station Division No.7, Jalandhar.

2. Status report has been filed. Same is taken on record.

3. Learned counsel submits that the petitioner has been falsely implicated. It is argued that the complainant was well acquainted with the petitioner and her family as they were residing as tenants in his house. According to learned counsel, the husband of the petitioner is residing in Canada and used to send money to the petitioner through the complainant, who allegedly carried on financial transactions and money transfer activities. It is contended that the amounts exchanged between the parties were part of personal financial dealings and not towards sending the complainant's son abroad. Learned counsel further submits that no recovery remains to be effected from the petitioner, she is ready to join

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investigation and, therefore, custodial interrogation is not required.

4. *Per contra*, learned State counsel opposes the petition and submits that specific allegations have been levelled against the petitioner regarding inducement of the complainant and receipt of substantial amounts on the false promise of facilitating immigration of the complainant's son to Canada. It is argued that the petitioner actively participated in the transaction, received money from the complainant and remained in constant coordination with her husband, who is presently residing abroad and has not yet been apprehended. Learned State counsel further submits that custodial interrogation is necessary to trace the money trail, identify the role of all conspirators and effect recovery of the cheated amount.

5. I have heard learned counsel for the parties and perused the record.

6. The allegations in the FIR reveal that the complainant came into contact with the petitioner and her family while they were residing in his premises as tenants. It is alleged that the petitioner, her mother and other family members represented that the petitioner's husband, being a permanent resident of Canada, could arrange immigration of the complainant's son. Acting upon such representation, the complainant allegedly paid various amounts from time to time, aggregating approximately ₹19,00,000/-, to the petitioner and her associates. It is further alleged that forged or fabricated receipts showing deposit of immigration fees were subsequently sent to the complainant in order to maintain the deception. Ultimately, neither was the complainant's son sent abroad nor was the amount returned.

7. At this stage, the allegations cannot be said to be vague or

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omnibus in nature. Rather, the petitioner has been specifically named in the FIR and a direct role has been attributed to her regarding receipt of money from the complainant and participation in the alleged scheme. Whether the transactions were genuine financial dealings, as sought to be projected by the petitioner, or were part of a fraudulent design is a matter to be investigated and subsequently adjudicated upon during trial.

8. The contention that the case is based on documentary evidence and, therefore, custodial interrogation is unnecessary, does not merit acceptance. Investigation in offences involving cheating and immigration fraud is not confined merely to collection of documents. The investigating agency is required to ascertain the complete chain of events, trace the flow of money, identify the beneficiaries of the funds, verify the authenticity of the documents allegedly supplied to the complainant and determine the role of each participant in the conspiracy. Such investigation may legitimately require custodial interrogation, particularly when one of the principal accused, namely the petitioner's husband, is stated to be residing abroad and remains beyond the immediate reach of the investigating agency.

9. The allegations also disclose commission of an organised economic offence whereby the aspirations of persons desirous of settling abroad are allegedly exploited for unlawful gain. Such offences not only result in financial loss to individual victims but also undermine public confidence in lawful immigration processes. Economic offences involving cheating and misappropriation of substantial amounts stand on a different footing and require a thorough investigation.

10. The plea that the petitioner is ready to join investigation is, by itself, not sufficient to entitle her to the extraordinary discretionary relief of

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anticipatory bail. The Court is required to balance the individual's liberty with the societal interest in a fair and effective investigation. Where the material collected during investigation prima facie indicates active involvement of the accused and recovery as well as tracing of funds are yet to be completed, grant of anticipatory bail may seriously prejudice the investigation.

11. Having regard to the nature and gravity of the allegations, the specific role attributed to the petitioner, the amount involved, the requirement of tracing the money trail and the necessity of custodial interrogation for a complete and effective investigation, this Court does not find it to be a fit case for grant of anticipatory bail.

12. Consequently, the present petition is dismissed.

13. However, anything observed herein shall be construed only for the purpose of deciding the present petition and shall not be treated as an expression on the merits of the case during investigation or trial.

17.06.2026 **(DEEPAK GUPTA)**
Yogesh **JUDGE**

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

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