

CRM-M-32453-2025 (O & M) 2025:PHHC:153196



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(209)

CRM-M-32453-2025 (O & M)
Date of decision: 06.11.2025

Surjit Kaur Petitioner

V/s

State of Punjab ...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Harbir Singh Sandhu, Advocate, for the petitioner.
Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 of BNSS, 2023 is for the grant of anticipatory bail to the petitioner in case FIR No.8 dated 12.01.2025 under Sections 406, 420 IPC, registered at Police Station Machhiwara, District Khanna.

2. The present FIR came to be registered at the instance of Seema Rani and reads as under:-

Today, Application No. 484152-PGD/GK dated 07.12.2024 was received from Seema Rani, wife of Jasvir Singh alias Jassi, resident of Bajigar Basti, Ropar Road, Machhiwara Sahib, Police Station Machhiwara Sahib, District Ludhiana (89686-



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18519), against Major Singh, son of Charanjit Singh, Paramjit Kaur, wife of Major Singh, and Surjit Kaur, wife of Charanjit Singh, residents of Village Hambowal Bet, currently residing in Sunder Nagar, Machhiwara Sahib, Police Station Machhiwara Sahib, District Ludhiana. After investigation by Mr. DSP Sahib Samrala, the application was forwarded by the office of Honorable SSP Sahib Khanna to the police station for registration of a case. The content of the application is as follows: "To, Honorable DSP Sahib, Samrala. Subject: Regarding cheating of ₹4,50,000 under the pretext of sending my son abroad (Italy). (Major Singh 99156-47969). Sir, it is respectfully submitted that I, Seema Rani, wife of Jasvir Singh alias Jassi, resident of Bajigar Basti, Ropar Road, Machhiwara Sahib, Tehsil Samrala, District Ludhiana. I wanted to send my son Jashandeep Singh abroad (Italy). Therefore, I spoke to Major Singh, son of Charanjit Singh, resident of Village Hambowal Bet, currently residing in Sunder Nagar, Machhiwara, Tehsil Samrala, District Ludhiana. He told me that he helps people go abroad. We agreed on ₹10 lakh for sending my son to Italy. Major Singh assured me that he would send my son abroad (Italy) soon. He took my son Jashandeep Singh's passport and other documents and kept them with him. Then, Major Singh asked me for ₹2 lakh. On 22.08.2023, I went to the house of Satinderjit Bajwa, son of Kashmir Singh, resident of Kotla Bet, and gave him the money in cash in the presence of Satinderjit Bajwa. Major Singh gave me a ₹2 lakh check from Capital Small Finance Bank, Machhiwara Sahib, as security. I am attaching a photocopy of the check with this application. After about a month, Major Singh asked me for ₹50,000. As per his request, I went to his house and gave the



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money in cash to his wife Paramjit Kaur in the presence of Vipin Kumar, resident of Machhiwara Sahib. Then, Major Singh told me that my son's visa has been approved and asked me to arrange ₹1,30,000 quickly and give it to him. So, I went to Major Singh's house and gave ₹ 1,30,000 to his mother Surjit Kaur in the presence of Vipin Kumar, resident of Machhiwara Sahib. Major Singh took ₹ 70,000 from me in the name of the air tickets. Then Major Singh took my son Jashandeep Singh with him and went to Delhi, after which he brought my son back with him and started demanding another ₹5 lakh from me. Then he WhatsApp me the photo of the ticket. When we checked the ticket, it turned out to be fake. After that, Major Singh started making all sorts of excuses. In this regard, on 11.09.2024, a compromise was reached in the presence of mediators, in which Major Singh agreed to return ₹4,50,000/-. Out of which, ₹2 lakh were to be given on 15.09.24 and the remaining ₹2,50,000 were to be paid within 3 months. But after that, Major Singh did not return my money. He has been continuously making excuses. I had filed a complaint against Major Singh, during the investigation of which Major Singh verbally promised to return my money soon. But now, whenever I ask Major Singh, his wife Paramjit Kaur, and mother Surjit Kaur for my money back, they threaten me. They abused me and said that I can do whatever I want, they will not return my money. Please take legal action against Major Singh, his wife Paramjit Kaur, and mother Surjit Kaur for defrauding me of ₹4,50,000/- under the pretext of sending my son Jashandeep Singh abroad and get me justice. I will be very grateful to you.

Yours sincerely Seema Rani (wife of Jasveer Singh @ JC,



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*resident of Bazigar Basti Ropar Road Machhiwara Sahib
89686-18519.*

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case being the mother of Major Singh. In fact, the petitioner had absolutely no interaction with the complainant and has not entered into any monetary transaction with him. Paramjit Kaur @ Paramjeet Kaur, the wife of Major Singh has been granted the concession of anticipatory bail. As the petitioner is ready and willing to join the investigation, she is entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, contends that there are specific allegations against Paramjit Kaur and Surjit Kaur that they had threatened the complainant. Money has been paid to the petitioner as also Paramjit Kaur by the complainant in the present of Vipin Kumar. Major Singh is absconding. As the offences stand *prima facie* established an the investigation is to be taken to its logical conclusion, the custodial interrogation of the petitioner is certainly required. 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(4) RCR (Criminal) 977***', has 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



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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***



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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 would reveal that cash payments have been made to Paramjit Kaur and Surjit Kaur in the presence of Vipin Kumar. A compromise was also arrived at in which Major Singh, the son of the petitioner has agreed to return a sum of Rs. 4,50,000/-. As Major Singh refused to return the money, the complainant had filed a complaint against him and his family members, all of whom have threatened the complainant with dire consequences. *Prima facie*, the offences are made out. Further, the investigation is to be taken to its logical conclusion inasmuch as the petitioner is to reveal the whereabouts of the main accused-Major Singh who is absconding. Hence, her custodial interrogation is certainly required. Therefore, she is not entitled to the concession of anticipatory bail.



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8. In view of the above discussion, I find no merit in the present petition and the same stands dismissed.
9. However, it is made clear that the observations made in this order are only for the purpose of deciding this bail application 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.
10. The pending application(s), if any, shall stand disposed of accordingly.

November 06, 2025
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No