

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:082324



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CRM-M-35376-2025
Date of decision:09.07.2025

Ramandeep Kaur

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. P.S. Hundal, Advocate for the petitioner.

...

Manisha Batra, J. (Oral).

1. The instant petition has been filed under Section 482 of the BNSS seeking grant of anticipatory bail to the petitioner in case arising out of FIR No.48, dated 28.03.2025, under Section 318(4) of BNS (Section 61(2) of BNS added later on) and Section 24 of the Immigration Act, registered at Police Station Dasuya, District Hoshiarpur.

2. The aforementioned FIR was registered on the basis of complaint lodged by complainant – Sucha Singh alleging that accused Davinder Singh, who is husband of the present petitioner had represented to him that he was engaged in the business of sending people abroad and was duly licensed for that purpose. He had allured the complainant by saying that he could sent his wife and children abroad through a valid visa for the purpose of education or on tourist visa. Since the son of the complainant was interested in going abroad for further education, therefore, on being allured by accused Davinder Singh, the complainant asked him to make

arrangement for study visa of his son. Accused Davinder Singh demanded a sum of Rs.12 lakhs for this purpose in February, 2024. On asking of the accused, he handed over the passport of his son and a sum of Rs.2 lakhs to the present petitioner and accused Davinder Singh. Nothing was done in the matter and then the accused represented to the complainant that the Government of Italy had stopped issuing visas to tourists and his son would be sent by them to United States of America but for that purpose, they asked him to incur expenses to the tune of Rs.45 lakhs. The complainant paid different amounts of money to the accused. On 11.10.2024, the petitioner and co-accused took son of the complainant along with them. Thereafter they started demanding more money. A total sum of Rs.43.55 lakhs had been paid by him. On 18.12.2024, the complainant received a audio message in the voice of his son informing that he had been abducted by a mafia and money was being demanded. When the petitioner and co-accused were contacted, then instead of giving any proper answer, they started raising demand of more money which was given. Neither the whereabouts of the son of the complainant could be known to them nor it was proved that he had reached at United States of America. The petitioner and co-accused thereafter started extending threats to them to give more money by saying that otherwise he would not be able to see the face of his son. After registration of FIR, investigation proceedings have been initiated and are underway. The husband of the petitioner has been arrested. Apprehending her arrest, the petitioner moved an application for grant of anticipatory bail which was dismissed by the Court of learned Additional Sessions Judge, Hoshiarpur vide order dated 10.06.2025.

3. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case only due to the fact that she is wife of main accused Davinder Singh. She had not played any role in the entire occurrence. Vague allegations have been levelled against her. She is not the beneficiary of any amount of money. There was no inducement on her part for delivery of any property. She is ready to join investigation. Her custodial interrogation is not required. No recovery is to be effected from her. Therefore, it is urged that she deserves to be extended the benefit of pre-arrest bail.

4. Notice of motion.

5. Ms. Himani Arora, learned AAG, Punjab has advance notice of the petition and is ready to argue the matter. It is submitted by her that there are serious allegations against the petitioner, who in connivance with co-accused Davinder Singh, who is none other than her husband had induced the complainant to part with a huge amount of money on the pretext of sending his son abroad. His son was taken by both the petitioner and her husband on 11.10.2024 along with them and his whereabouts are not known till date. The petitioner is rather involved in graver offence than the one for which she has been booked. For conducting deeper and thorough investigation in the matter, custodial interrogation of the petitioner is must. No exceptional or sparing circumstance warranting grant of anticipatory bail has been made out in favour of the petitioner. With these broad submissions, it is urged that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned counsel for the parties carefully.

7. The petitioner by hatching a conspiracy with her husband is alleged to have duped the complainant of a sum of Rs.43.55 lakhs on the pretext of sending his son abroad on study/tourist visa. The son of the complainant is, however, alleged to be missing/abducted till date. As per the allegations, an amount of Rs.2 lakhs and passport of the victim had been given to the petitioner specifically. The allegations prima facie show her active participation in the occurrence. The allegations against the petitioner are serious in nature. For the purpose of conducting thorough investigation in the matter, her custodial interrogation is therefore must. It is well settled proposition of law that custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 482 of the BNSS. Many useful information can be disinterred during custodial interrogation. It is also a matter of discretion to grant or not to grant pre-arrest bail. Keeping in view the nature of the subject offences and no extra-ordinary circumstance is shown to have been made out in this case, I am of the considered opinion that custodial interrogation of the petitioner is required for conducting thorough investigation in the matter by the police. Accordingly, no ground for extending benefit of pre-arrest bail is made out. Hence, the petition stands dismissed.

8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANISHA BATRA)
JUDGE

09.07.2025

harjeet

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