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(217)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40760-2025

Date of decision :04.09.2025

PARAMJIT KAUR

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Navjeet Singh, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 BNSS, 2023 is for the grant of anticipatory bail to the petitioner in case FIR No.96 dated 07.07.2025 (Annexure P-1) registered under Section 316(5) of BNS, 2023 at Police Station Doraha, District Khanna.

2. The brief facts of the case are that the present FIR has been registered on the complaint of one Mandeep Singh Bhathal on which inquiry was conducted by the SSP, Khanna to the effect that the accused/applicant while being the Sarpanch from the year 2019 to 2024, was given the grants by the Government for doing social work in the form of public utility services to the tune of Rs.79 Lacs, but she alongwith her co-accused i.e. Secretary Harminder Singh and Lambardar Bachitta Singh had misappropriated the Rs.8 Lacs for their personal use and thus caused loss to the State Exchequer. As per the record, about

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Rs.8,00,000/- has been misappropriated by the petitioner alongwith her co-accused.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The Gram Panchayat has passed a Resolution unanimously regarding the development works in the village at the instance of the petitioner. Therefore, there is no question of any embezzlement. The complainant himself was involved in the illegal uprooting of trees regarding which a compromise had taken place on 24.07.2020 (Annexure P-3). In fact, the FIR is an outcome of political vendetta as the petitioner belongs to one political party whereas the complainant belongs to another. Since she is a lady and ready and willing to join investigation, she is entitled to the concession of pre-arrest bail.

4. On the other hand, the learned State counsel while referring to the reply dated 26.08.2025 contends that on the filing of the complaint, an application was moved by the BDPO, Ludhiana to the SSP, Khanna for the registration of an FIR. The SSP, Ludhiana marked an inquiry to the DSP, Payal. A detailed inquiry was conducted through SHO Doraha. During the course of the inquiry, it was found that BDPO, Doraha had conducted an inquiry against the petitioner and Harminder Singh regarding embezzlement of funds. On being questioned neither the petitioner nor Harminder Singh provided details of the money withdrawn by them and allegedly spent on development works without any sanction. The aforementioned report was endorsed by the Director



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Rural Development and Panchayat ultimately leading to the registration of the present FIR. He contends that the petitioner as the Sarpanch of Gram Panchayat Bhathal orchestrated a pattern of structural withdrawals below Rs.25,000/- on multiple dates between 06.04.2023 and 20.09.2023 resulting in misappropriation exceeding Rs.8 lakhs from the Panchayat Account. As the offence stands *prima facie* established and the investigation is to be taken to its logical conclusion, the custodial interrogation of the petitioner is certainly necessary and therefore, the present petition was 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 Live Law (SC) 870** 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 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 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



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***interrogation is not required or necessitated, by itself,
cannot be a ground to grant anticipatory bail.***

7. In the instant case, the Investigating Agency registered the FIR based on a detailed inquiry conducted by the BDPO which has been duly endorsed by the Director Rural Development and Panchayat. It has been found that the petitioner along with her co-accused withdrew a sum of Rs.8 lakhs and misappropriated the same. On being questioned during the course of the inquiry, she has not provided any details of how the money was spent by her. There is no evidence to suggest that there was any resolution of the Panchayat authorizing her to spend the Panchayat funds. Therefore, *prima facie*, the offence of embezzlement stands established. Even otherwise, the investigation is taken to be its logical conclusion for which the custodial interrogation of the petitioner is certainly necessary.

8. In view of the aforementioned discussion, I find no merit in the present petition. Therefore, the same stands dismissed.

9. However, the observations made hereinabove are only for the purposes of deciding this bail petition 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 herein.

(JASJIT SINGH BEDI)
JUDGE

04.09.2025

JITESH

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