



CRM-M-52218 of 2025

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M-52218 of 2025
Date of Decision: 17.09.2025

Hemlata

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. N.S. Dadwal, Advocate
for the petitioner.

Mr. Ravinder Singh, DAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the present petition filed under Section 482 of the BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.192 dated 01.07.2025 registered under Sections 319(2), 318(4), 336(2), 338, 336(3), 340(2) and 61(2) of the Bharatiya Nyaya Sanhita, 2023, at Police Station Division No.5, District Police Commissionerate Ludhiana.

2. Brief facts as per the prosecution case are that the above FIR was registered against the present petitioner and the co-accused on the directions of learned Judicial Magistrate Ist Class, Ludhiana. As per the FIR, one person had impersonated to be Inderpal Singh and prepared fake Aadhar Card and other documents and as such, committed offence of forgery, impersonation and cheating. His co-accused Hemlata (petitioner) had identified him to be Inderpal Singh.



3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He argued that the petitioner had identified only his brother Pankaj Chhatri at the time of furnishing surety bond and she did not know any Inderpal Singh. He further argued that the petitioner has clean antecedents as she is not involved in any other case. He further argued that the custodial interrogation of the petitioner is not required and she is ready and willing to join the investigation as and when called upon to do so by the investigating agency.

4. After registration of the FIR, investigation has been initiated and is under way. Apprehending her arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Ludhiana, vide order dated 03.09.2025.

5. Notice of motion.

6. Learned State counsel, who has appeared on advance notice of the petition, has opposed the prayer for grant of anticipatory bail on the ground that the allegations levelled against the petitioner are serious in nature. He argued that the petitioner has been specifically named in the FIR. He further argued that the petitioner had identified one impersonator as real Inderpal Singh who stood fake surety before the Court. He further submits that the custodial interrogation of the petitioner is required for fair and proper investigation in the matter. Hence, he prays for dismissal of the petition.

7. In the present case, the allegations against the present petitioner are that she had identified one person who had furnished fake surety to be



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Inderpal Singh. During inquiry, it revealed that Inderpal Singh son of Hardev Singh had never stood surety in FIR No.25/2023 at Police Station Sadar Ludhiana. The FIR in question was registered on the directions of learned Judicial Magistrate Ist Class, Ludhiana. Furnishing a fake surety is not a minor lapse. It amounts to a deliberate and calculated fraud played upon the Court and is indicative of intention to misuse the judicial process for securing the liberty of accused by playing fraud upon the Court. It is observed that number of cases in which fake sureties are being furnished in bail matters is on rise and this needs to be curbed.

8. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It would be apposite to refer herein judgment of Hon'ble Supreme Court in '**State Vs. Anil Sharma**', (1997) 7 SCC 187, wherein it has been held as under:

"6. We find, force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful information and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial



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interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders."

9. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for effective investigation and if it is denied, it will leave many loose ends, which is not desired. Thus, the present petition being devoid of merits is accordingly dismissed.

10. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

(RUPINDERJIT CHAHAL)
JUDGE

17.09.2025
D.Bansal

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