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106 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52197-2025(O&M)

Date of decision: 03.11.2025

MANINDER KAUR AND ANR.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Arun Takhi, Advocate for the petitioner.

SUBHAS MEHLA, J. (ORAL)**CRM-38663-2025**

This application has been filed under Section 528 of BNSS, 2023 for placing on record the order dated 01.08.2025 passed by the learned Additional Sessions Judge, Rupnagar as Annexure P-15.

For the reasons mentioned in the application, the same is allowed. Annexure P-15 is taken on record, subject to all just exceptions.

Main case

1. This is the first petition filed under Section 482 BNSS, 2023 seeking anticipatory bail to the petitioner in a case bearing FIR No.81 dated 18.06.2025 under Sections 316(2), 115(2), 3(5) of BNS, 2023 (later on Sections 318(4) and 61(2) of BNS were added) registered at Police Station Chamkaur Sahib, District Rupnagar.
2. Learned counsel for the petitioner submits that he seeks permission to withdraw the present petition qua petitioner No.2 as he was arrested and later on, released on regular bail.

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3. Allowed accordingly.

4. Learned counsel for petitioner submits that complainant is the sister-in-law of petitioner No.1 and was married to the deceased-husband, namely, Narinder Singh (brother of petitioner No.1). He further submits that petitioner No.1 is residing in her matrimonial home and has nothing to do with the present petition. Learned counsel prayed for anticipatory bail as petitioner No.1 is ready to join the investigation.

5. Notice of motion.

6. Mr. Sandeep Kumar, DAG, Punjab, who is present in the Court accepted notice on behalf of respondent-State and submits that the husband of petitioner No.1 is also the employee in the same insurance company from whom insurance policy was issued to the deceased husband of the complainant, and the petitioners allegedly played fraud and got the proceeds of insurance policy credited in their accounts. He further submits that petitioner No.1 in connivance with her husband and her mother, played a fraud with the complainant and illegally got the compensation of life insurance in the account of her mother and later on received the same in her account.

7. Mr. Lakshay Bector, Advocate has put in appearance on behalf of the complainant/respondent No.2. Learned counsel submitted that the petitioners played an active role in the commission of the alleged offence. He further submits that petitioner No.1 submitted an affidavit before the concerned authority claiming her mother's entitlement to the insurance amount of her deceased brother, which was consequently received by her mother. Thereafter, her mother transferred a sum of ₹19 lakhs into petitioner No.1's account, making her a beneficiary of the proceeds of crime, therefore, he prayed for dismissal of their



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8. Heard.

9. Keeping in view the contention of the learned counsel for the parties and the role of the present petitioner, petitioner No.1 received an amount of Rs.19 lacs on 09.02.2024 in her account; and fraudulently changed the nominee from Manpreet Kaur to Sukhwinder Kaur; custodial interrogation of the petitioner is required for recovery of the alleged amount, anticipatory bail cannot be granted to the petitioner in view of law laid down by the Hon'ble Supreme Court in case titled as '**CBI Vs. Anil Sharma, 1997 AIR Supreme Court 3806**' **decided on 03.08.1997**, wherein it has been held as under:-

"....custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations 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 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 would not conduct themselves as offenders."

10. In view of the above, this Court finds no ground to grant anticipatory bail to the petitioner and the present petition stands dismissed.

11. Nothing observed hereinabove shall be construed to be an expression



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directed to proceed with the trial on its own merits, strictly in accordance with law.

03.11.2025
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(SUBHAS MEHLA)
JUDGE

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