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(212)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-57375-2025

Date of decision : 11.11.2025

SHIKHA SHARMA

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Varun Issar, Advocate with
Mr. Shubham Pathania, Advocate
for the petitioner.

Mr. M.S. Toor, A.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.244 dated 13.07.2023 registered under Sections 420, 120-B IPC and Section 13 of Punjab Travel Professions (Regulation) Act at Police Station City Faridkot.

2. The present FIR came to be registered at the instance of Beant Singh S/o Dalgir Singh and the same reads as under:-

“Application No. 901-PC 8/23 dated 1-6-2023 by Beant Singh son of Dalgir Singh resident of village Awan Tehsil Gur Harsahai District Ferozepur, after investigated by the Honorable Superintendent of Police (Local) Faridkot by the order of the Honorable Senior Superintendent of Police Faridkot, for the purpose of filing a case is received at Police Station. The contents of the application are as under: To, SSP Sahib, Faridkot. Subject-Application against the travel agent Deepak Sharma through SBE Visa' Center near Kameana



Chowk Faridkot for taking necessary legal action for defrauding Rs.15,00,000/- (Fifteen lakh rupees) under the guise of sending abroad. Mob: No: 86488-88808. Respected Sir, It is requested that I, Beant Singh son of Dalgir Singh resident village Awan Tehsil Gur Harsahai District Ferozepur, I had contacted Santokh Singh, resident of village Chak Sahu Tehsil, district Faridkot, to send my son Lovepreet Singh abroad to Canada for higher studies. For the study visa, the fee and file expenses related to it are paid by me and he got me deposited Rs. of 2,50,000/- (Rupees fifty thousand) in the account of his wife Sikha Sharma and the remaining amount is Rs. 12,50,000/- in the different accounts of Deepak Sharma, total of Rs. 15,00,000/- (Rupees fifteen lakh), the copies of bank statements regarding money given to him through bank accounts are enclosed. Since he had filed the study visa file, I kept coming to him repeatedly and asking about my son's file. He was constantly avoiding me. After 5-6 months, he told me that the file of your son Lovepreet Singh has been rejected. After that, regarding the amount applicant had deposited in accused's account, the applicant kept contacting him for refund but the said travel agent Deepak Sharma kept avoiding the applicant. When I pressured him to my amount of Rs. 15,00,000/- (Fifteen lakh rupees) along with my close friends, accused called me to his house on 21st February 2023. Where I took my trusted person Ajit Singh son of Didar Singh resident of Golu Ka Morh Tehsil Guru Harsahai Mukhtiar Chand son of Gurdas. Ram resident of Wasal Mohan Ke, Block Gur Harsai along with me. At that time, Sukhdev Singh son of Bhupinder Singh resident of Dogar Basti Faridkot and Mintu, the owner of Anand Gas Agency, Faridkot, was present there. On the spot, when I and my friends asked for the money, the travel agent's partner Sukhdev Singh, son of Bhupinder Singh and Sittu Gas Agency, Anand, assured us that it was his responsibility to return this amount. The said travel agent Deepak Sharma made a written statement with me on 21



February, 2023 in the presence of witnesses that he will return this amount by 20-5-2023. As a guarantee of this statement, Deepak Sharma gave me three cheque from Bank of Baroda, each with an amount of Rs. 5 lakh and his signature. According to this statement, when the amount was returned to me, I was supposed to return the cheque to the said travel agent Deepak Sharma. But when I contacted him to return my amount at the appointed time, he had absconded. So when I deposited the cheque in the bank to get cash, but the cheque got bounced. Therefore, it is my request that the above travel agent and his associates have cheated me of Rs. 15 lakh. They have ruined the future of my son Lovepreet Singh. I and my family are in shock. Please take strict legal action against the above accused and return my money to me and give me justice. It will be very kind of you. Thanking you. Applicant, Sd/-Beant Singh.”

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case being the estranged wife of Deepak Sharma, the proprietor of S.B.E. Visa Immigration Consultant. Deepak Sharma has filed a petition under Section 13 of the Hindu Marriage Act seeking divorce on the ground of cruelty. In fact, the petitioner is a home-maker with two minor children one of whom is suffering from significant health issues. Though, she is an accused in multiple cases of a similar nature, in some of those cases she has been granted the concession of anticipatory bail whereas in others she has been declared a proclaimed offender. As she is ready and willing to join investigation, she is entitled to the concession of anticipatory bail.



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4. A reply dated 10.11.2025 by way of an affidavit of Tarlochan Singh, PPS, Deputy Superintendent of Police, Sub Division, Faridkot has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. While referring to the reply, he contends that as per the allegations and the evidence collected so far, the petitioner being the wife of the prime accused Deepak Sharma was actively participating in the running of S.B.E. Immigration. She along with Deepak Sharma had assured the complainant of securing a Visa for son of the complainant. The petitioner herself has received an amount of Rs.2,50,000/- via banking transaction from the brother-in-law of the complainant. A sum of more than Rs.5 lakhs has been paid in cash to the petitioner and her husband in June, 2022. She is an accused in multiple cases of a similar nature and is a proclaimed offender in some of those cases. Keeping in view the allegations levelled against the petitioner, her conduct and the need for her custodial interrogation to take the investigation to its logical conclusion, she does not deserve the concession of pre-arrest bail and 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 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 interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.

7. As per the allegations levelled in the FIR, the petitioner and her husband Deepak Sharma were actively participating in the running of S.B.E. Immigration. The petitioner herself has received a sum of Rs.2,50,000/- and a sum of more than Rs.5 lakhs has been received in cash by the petitioner and her husband whereas the remaining amount has been received by her husband in his bank account.

8. The petitioner is a habitual offender and the details of the other cases registered against her are as under:-

Sr. No.	FIR Nos. and date	Sections	Police Station	Status
1.	FIR No.199 dt. 04.06.2023	406, 420, 465, 467, 477, 506, 120-B IPC, 13 Travel Professionals Regulation Act	P.S. City Faridkot	Proclaimed offender
2.	FIR No.219 dt. 26.06.2023	406, 420, 120-B IPC, 13 Travel Professionals Regulation Act	P.S. City Faridkot	--
3.	FIR No.223 dt.	406, 420 IPC, 13	P.S. City	--



	27.06.2023	Travel Professionals Regulation Act	Faridkot	
4.	FIR No.228 dt. 03.07.2023	406, 420 IPC, 13 Travel Professionals Regulation Act	P.S. Faridkot City	--
5.	FIR No.237 dt. 08.07.2023	406, 420 IPC, 13 Travel Professionals Regulation Act	P.S. Faridkot City	Proclaimed offender
6.	FIR No.238 dt. 08.07.2023	406, 420 IPC, 13 Travel Professionals Regulation Act	P.S. Faridkot City	--
7.	FIR No.243 dt. 13.07.2023	420, 120B IPC, 13 Travel Professionals Regulation Act	P.S. Faridkot City	Proclaimed offender
8.	FIR No.202 dt. 07.06.2023	406, 420, 120B IPC, 13 Travel Professionals Regulation Act	P.S. Faridkot City	Proclaimed offender
9.	FIR No.229 dt. 03.07.2023	406, 420, 120-B IPC, 13 Travel Professionals Regulation Act	P.S. Faridkot City	Proclaimed offender
10.	FIR No.231 dt. 06.07.2023	420, 506, 120-B IPC, 13 Travel Professionals Regulation Act	P.S. Faridkot City	--
11.	FIR No.246 dt. 14.07.2023	420, 120-B IPC, 13 Travel Professionals Regulation Act	P.S. Faridkot City	Proclaimed offender
12.	FIR No.275 dt. 03.08.2023	420, 120-B IPC, 13 Travel Professionals Regulation Act	P.S. Faridkot City	--
13.	FIR No.337 dt. 03.11.2023	420, 120-B IPC, 13 Travel Professionals Regulation Act	P.S. Faridkot City	--

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9. Keeping in view the fact that the petitioner appears to be *prima facie* liable, her antecedents and the need for her custodial interrogation to take the investigation to its logical conclusion, she does not deserve the concession of anticipatory bail.

10. Therefore, the present petition stands dismissed.

11. 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

11.11.2025
JITESH

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