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

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CRM-M-56846-2025 (O&M)
Date of decision: 15.12.2025

Manjeet Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Eklavya Gupta, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Abnash Singh, Advocate
for the complainant.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), is for grant of anticipatory bail to the petitioner in case bearing FIR No. 76 dated 27.03.2025, registered under Sections 406 and 420 of IPC at Police Station Sohana, District SAS Nagar.
2. The aforementioned FIR was registered on the basis of a complaint lodged by complainant Amarpreet Singh alleging therein that he was interested in buying a house in SAS Nagar (Mohali). Accused Rajinder Singh, a resident of Mohali, was contacted, who is the husband of the present petitioner. Accused Rajinder Singh represented to the complainant that one Amardeep Singh @ Nippy owned a house and thereafter introduced him to

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accused Amardeep Singh, who met the complainant in the presence of the present petitioner as well as Harpreet Kaur, wife of Amardeep Singh. All of them represented to the complainant that one Maan Singh, who owned a house in Sector 86, Mohali, and his daughter-in-law Harwinder Kaur, were interested in selling the said house. The petitioner and the co-accused made the complainant talk to the abovesaid Harwinder Kaur, who told him to go ahead with the bargain and pay earnest money to Amardeep Singh, assuring that her father-in-law would execute the sale deed in his favour. Believing all of them, the complainant entered into an agreement to sell on 21.02.2024. The agreement was signed by accused Amardeep Singh as vendor, while accused Rajinder Singh stood as an attesting witness to the same. An amount of Rs.40,00,000/- was paid as earnest money and an amount of Rs.1,00,000/- was given to the present petitioner and Harpreet Kaur as commission in equal shares. Subsequently, on the asking of accused Rajinder Singh and Amardeep Singh, the complainant paid an amount of Rs. 3,00,000/- on 11.03.2024; Rs. 30,00,000/- on 16.03.2024; Rs. 2,00,000/- on 01.04.2024 and Rs. 6,00,000/- on 03.04.2024 in cash to them. However, no sale deed was executed in his favour and the petitioner and the co-accused started putting off the matter on one pretext or the other and thereafter extended threats to him. After registration of the FIR, investigation proceedings were initiated and are underway. Apprehending her arrest, the petitioner moved an application for grant of anticipatory bail, which was dismissed by the Court of learned Additional Sessions Judge, S.A.S. Nagar, vide order dated 07.05.2025.

3. It is argued by learned counsel for the petitioner that she has been falsely implicated in the present case merely on account of being the wife of

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accused Rajinder Singh. She has been made a scapegoat. She has no concern with the alleged transaction. Her husband was merely a mediator in the deal struck between the complainant and accused Amardeep Singh. The deal could not be materialized as accused Amardeep Singh and the complainant resiled from the same. Even a compromise was subsequently effected, as per which, an amount of Rs.25,00,000/- had already been returned to the complainant. She had no role to play in the alleged offence and the offences in question are not attracted against her. The amount credited in the joint bank account of the petitioner and her husband was transferred back to the account of the main accused. She is ready to join the investigation. Her custodial interrogation is not required and no recovery is to be effected from her. It is, therefore, argued that she deserves to be extended the benefit of pre-arrest bail.

4. *Per contra*, learned State counsel, assisted by learned counsel for the complainant, has argued that there are serious and specific allegations against the petitioner, who was an active participant in the entire transaction. It is submitted that an amount of Rs.33,25,000/- out of the money received by accused Amardeep Singh from the complainant was transferred to the bank account of the petitioner, showing that she was a beneficiary of the transaction and had derived wrongful gain from the same. She had also received commission to the extent of Rs.50,000/- at the time of the transaction. For conducting a proper and thorough investigation in the matter, her custodial interrogation is necessary. No exceptional or extraordinary circumstance for grant of anticipatory bail is made out in her favour. It is thus urged that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

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6. The petitioner herself has admitted that her husband was a mediator to the transaction of sale of property, pursuant to which, an agreement to sell had been executed between the complainant and co-accused Amardeep Singh. Her husband was not only a mediator but also an attesting witness to the said transaction. It has further come on record that he received an amount of Rs.75,00,000/- out of the money paid by the complainant to the accused. The investigation conducted so far has revealed that an amount of Rs.33,25,000/- was transferred into the account of the petitioner from the bank account of co-accused Amardeep Singh. The petitioner has taken the plea that a compromise has been effected between the parties. However, it has come on record that the post-dated cheques issued by the co-accused to the complainant were dishonoured. The allegations *prima facie* make out a case for commission of the offence of cheating by the petitioner against the complainant. The case is at its nascent stage and disputed questions of fact are yet to be examined. No sparing or extraordinary circumstance has been made out in her favour for grant of pre-arrest bail. Rather, her custodial interrogation is required for conducting proper investigation in the matter. The well settled proposition of law is that while considering an application for grant of anticipatory bail, the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation or tampering with evidence including intimidating witnesses. The powers under Section 482 of BNSS are to be exercised in extraordinary and sparing circumstances. More so, 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 BNSS. Many useful information can be disinterred

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during custodial interrogation. Keeping in view the discussion as made above, this Court is of the considered opinion that no extraordinary or sparing circumstance entitling the petitioner to seek concession of pre-arrest bail has been made out. Accordingly, finding no merit, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

15.12.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No