

CRM-M-61682-2025

-1-

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

104

CRM-M-61682-2025

Date of Decision : 04.11.2025

KRISHAN KANTA

.... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

.... RESPONDENTS

CORAM:HON'BLE MR. JUSTICE SUBHAS MEHLA

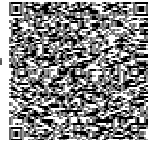
Present : Dr.Naresh Kaushik, Advocate
for the petitioner(through VC).

Mr. Sandeep Kumar, DAG, Punjab.

SUBHAS MEHLA, J. (Oral)

1. Prayer is for grant of anticipatory bail to the petitioner in case bearing FIR No.07 dated 22.11.2024 registered under Sections 420, 406, 120-B of IPC and Section 24 of Emigration Act, 1983 at Police Station NRI. District SBS Nagar and protection against proclamation order dated 18.09.2025 (Annexure P-2).

2. Learned counsel for the petitioner submitted that the petitioner has been falsely implicated and no offence as alleged in the complaint is made out against her. It is further submitted that the petitioner's absence before the trial Court was neither intentional nor deliberate. It is argued that the petitioner is ready to face trial, undertakes to appear before the concerned Court, and will not misuse the concession of bail. The petitioner has deep roots in society and is neither at flight risk nor in a position to



tamper with evidence. Therefore, it is prayed that the petitioner be granted anticipatory bail in the interest of justice.

3. Notice of motion.

4. Mr. Sandeep Kumar, DAG, Punjab, accepted notice on behalf of respondent-State and opposed the bail application by submitting that the petitioner has committed fraud and cheating with the complainant. Her custodial interrogation is required as huge amount is involved. The complainant was duped by the petitioner on the pretext of sending his son to America. Learned State counsel further submitted that petitioner/accused has remained unavailable during the course of proceedings and has already been declared proclaimed offender vide order dated 18.09.2025. In the light of the same, if the petitioner is released on anticipatory bail, there is possibility of fleeing from justice. Hence, prayer is made for dismissal of the present petition.

5. Heard.

6. Keeping in view the facts of the present case and the contentions of learned counsel for the parties, this Court finds that name of the petitioner finds specific mention in the FIR; a specific role has been attributed to her; she is actively involved in the commission of the offence in question, it is further noted that she has remained unavailable during the course of proceedings and has already been declared proclaimed offender vide order dated 18.09.2025; in these circumstances, her custodial interrogation is required for a fair and effective investigation and to trace the trail of money duped. Moreover, the Hon'ble Supreme Court in "State represented by the C.B.I. Vs. Anil Sharma, Criminal Appeal No.811 of



1997 [Arising out of SLP (Crl.) No.1127 of 1997], decided on 3.9.1997

observed:

“We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation orientated 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 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.”

7. Accordingly, this Court finds no merit in the present petition and the same is hereby dismissed.

(SUBHAS MEHLA)
JUDGE

04.11.2025
anju

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No