



**In the High Court for the States of Punjab and Haryana
at Chandigarh**

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CRM-M-62390-2025 (O&M)
Date of Decision:- 20.11.2025

Tejpreet Kaur ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Mr. Hitesh Chopra, Advocate with
Mr. Amit Kumar, Advocate,
for the petitioner.

SUBHAS MEHLA, J. (Oral)

1. The instant petition under Section 438 of Cr.P.C. (482 of BNSS, 2023), has been filed for grant of anticipatory bail to the petitioner in case bearing FIR No.116 dated 02.09.2025, registered under Sections 406 and 420 of IPC, 1860, at Police Station Fatehgarh Churian, District Gurdaspur.
2. As per the case of prosecution, the present petitioner and 5 other persons cheated the complainant on the pretext of sending him to Canada on work permit Visa. On enquiry, it was found that the petitioner had demanded Rs.15,00,000/- from the complainant and she had received Rs.9,10,000/- from him, out of which she has returned Rs.2,06,000/- and she executed an agreement to return the remaining amount of Rs.7,04,000/- till 11.04.2025, however, the same was not fulfilled.
3. Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the present case as there is no agreement



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(2)

between the complainant and the present petitioner. He submits the petitioner is merely an employee of the firm i.e. M/s International Immigration Agent based Mohali and the complainant has deposited the amount to Rajwinder Kaur, who is owner of the firm. He prays for grant of anticipatory bail of the present petitioner.

4. Notice of motion.

5. Mr. Anup Singh, AAG, Punjab, puts in appearance as advance copy of petition had been served to respondent-State. Mr. Vismaad S. Bajwa, Advocate also puts in appearance on behalf of the complainant and filed *Vakalatnama*, same is taken on record.

6. Learned State counsel assisted by learned counsel for the complainant submits that the present petitioner is required for custodial interrogation as well as for recovery of cheated amount. Thus, he prays for dismissal of bail petition.

7. Heard.

8. There is specific allegation against the petitioner that she works as an agent of M/s International Immigration Agent based Mohali and received money; even she had executed an agreement mentioning therein that she had returned Rs.2,06,000/- and executed an agreement to return the remaining amount of Rs.7,04,000/- by April, 2025. The said agreement was executed in the month of February, 2025 and till September, 2025, she has not paid the amount. Hence, in order to effect proper investigation and to unearth true facts of the case, and to recover the cheated amount, custodial interrogation of the petitioner is necessary.



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9. Further , custodial interrogation of the petitioner is required 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**, as under:-

“...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.”

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 of opinion by this Court on the merits of the case.

20.11.2025
Geeta

(SUBHAS MEHLA)
JUDGE

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