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

103-2

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Jobanjit Kaur

...Petitioner

V/s

State of Punjab

...Respondent

Date of decision: 11.12.2025**Date of Uploading : 11.12.2025****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. G.S. Bhatia, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

Mr. Hitesh Verma, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail under Section 482 of BNSS, 2023 in FIR No.118 dated 16.06.2025 registered for offences punishable under Sections 408 and 120-B of IPC at Police Station Maqboolpura, District Police Commissionerate Amritsar.

2. The gravamen of the FIR pertains to defrauding a person namely Surjit Singh, resident of 22/12 Kalyan Singh Road, near DAV College, Amritsar, who operates a family fruit-trading business under the names Amar Singh & Sons and Gurkirat Trading Company at Valla Fruit Mandi, was cheated and defrauded. The complainant alleged that he had appointed Manjit Singh @ Mani, son of Gurmukh Singh, to assist in overseeing and managing the business. Manjit Singh initially assured him

that he would maintain proper accounts and conduct all business dealings

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honestly. Relying on these assurances, the complainant gradually reduced his supervision of the work of Manjit Singh. However, the complainant later discovered that Manjit Singh had misappropriated substantial sums of money received from various buyers. He consistently misled the complainant by claiming that payments from buyers were still pending but in-fact he had already collected the money in cash and unlawfully kept it. These facts were confirmed when the complainant personally verified transactions with the several parties. Further inquiry from the complainant revealed that this fraudulent activity and criminal conspiracy involved not only Manjit Singh but also his wife Jobanjit Kaur (petitioner herein), his brother Baljit Singh, Baldev Singh, son of Kartar Singh from Fatehgarh Churia, and possibly other associates. The complainant further alleged that portions of the embezzled funds were deposited into their respective bank accounts. Additional investigation is required to trace other related accounts, assets, and investments. On 02.04.2024, an amount of ₹27,900 received from a Dinanagar party for goods dispatched by the complainant's firm was collected by Manjit Singh but never deposited into the account of the Firm. Upon the exposure of these fraudulent activities, the accused individuals allegedly issued threats to the complainant and his family members. On the basis of the aforesaid complaint, instant FIR has been registered and investigation ensued.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question as she is the wife of co-accused Manjit Singh, who was employed by the complainant to look after the business affairs of his fruit trading firm. Learned counsel has



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further iterated that the petitioner has neither worked for the complainant nor handled any business transactions and had absolutely no role in collecting payments or maintaining accounts. Therefore, the essential ingredients of offence under Section 408 of IPC is not made out *qua* the petitioner. Learned counsel has emphasized that, at best, the dispute is between the complainant and co-accused Manjit Singh regarding the conduct of business. Furthermore, no money has ever been transferred to the petitioner from any buyer of the firm and nothing has been recovered from the petitioner. Learned counsel has further contended that the FIR has been registered after an unexplained delay of one year which itself indicates that the case is an afterthought and has been fabricated. It has been further argued that there is no need for custodial interrogation of the petitioner as the alleged recovery has already been effected from the concerned parties. Moreover, there is no likelihood of the petitioner absconding from the process of justice or tampering with the prosecution evidence in case she is enlarged on pre-arrest bail. On strength of these submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. According to learned State counsel, the present case discloses a well planned and deliberate conspiracy involving not only the main accused Manjit Singh but also the petitioner. Learned State counsel has iterated that the FIR contains specific and detailed allegations regarding misappropriation of funds and the role of the petitioner has surfaced during the preliminary investigation. Learned State counsel



has further contended that during the course of investigation, material has been collected which *prima facie* shows that the petitioner was not a stranger to the transaction in question and role of the petitioner cannot be ruled out at this stage particularly when the complainant has specifically alleged that part of the embezzled amount was deposited in the bank account of the close associates including family members. Learned State counsel has emphasized that the offence committed by the petitioner caused substantial financial and emotional distress to the complainant and his family. Considering the seriousness of the allegations, the custodial interrogation of the petitioner is necessary to uncover the full conspiracy, identify the bank accounts used, trace the misappropriated funds and ascertain the involvement of other persons. Furthermore, in case the petitioner is granted the concession of pre-arrest bail, at this stage, it may impede the ongoing investigation and potentially lead to tampering with evidence or influencing of witnesses. Accordingly, a prayer has been made for the dismissal of the instant petition in order to unravel the larger conspiracy and trace the flow of funds.

4.1. Learned counsel for the complainant while raising submission in tandem with the learned State counsel, has iterated that the investigation has revealed that the petitioner has actively involved in the conspiracy. The embezzled funds were not retained solely by Manjit Singh but were also routed to and deposited in the bank account of the close associates as well as in the accounts of the other family members. Learned counsel has emphasized that economic offences such as embezzlement, fraud and criminal breach of trust are serious in nature and involvement of the



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petitioner has been *prima facie* established. Granting her bail at this stage may enable her to tamper with the evidence or influence witnesses. On the basis of these submissions, the dismissal of the instant petition is entreated for.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. The allegations contained in the FIR cannot be brushed aside as vague or baseless as the FIR in the present case narrates a detailed sequence of events relating to the misappropriation of substantial amount belonging to the fruit trading business of the complainant. The FIR is not a vague or bald narration but contains specific allegations regarding the mode and manner in which funds collected from various buyer parties were diverted and never deposited into the firm account of the complainant. Furthermore, the allegations are not confined to accused Manjit Singh alone but the FIR clearly alleges that the misappropriation was carried out with the connivance of the petitioner and other associated accused. The FIR discloses that the complainant had employed Manjit Singh, husband of the present petitioner, to look after the fruit business of the complainant. The complainant alleges that he and his family had full faith in the husband of the petitioner namely Manjit Singh, who used to collect payments from different buyers on behalf of the firm. As per the allegations in the FIR, the husband of the petitioner - Manjit Singh misappropriated several amounts collected from buyers and failed to deposit the same into the account of the Firm. A specific instance dated



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02.04.2024 has been mentioned wherein a sum of ₹27,900 was handed over to Manjit Singh by a firm at Dinanagar but was never deposited with the complainant. Furthermore, the investigation indicates that portion of the embezzled amount was also diverted into bank account(s) of the close associates and family members. The petitioner has claimed that she has been named in the FIR only on account of the fact that she is the wife of co-accused Manjit Singh. However, the petitioner claimed that she never worked for the complainant and had no professional relationship with him, therefore, offence under Section 408 IPC is not attracted in the instant case. In the considered opinion of this Court, the petitioner may not be an employee of the complainant but the FIR does not rely solely on direct entrustment. In the considered opinion of this Court whether the petitioner actually participated in such a conspiracy or not cannot be determined at this initial stage. It is trite law that the anticipatory bail is an extraordinary relief and is not to be granted as a matter of right, particularly in cases involving serious economic offences and allegations of extortion.

7. At the stage of considering of a plea for anticipatory bail, the Court is not required to meticulously evaluate the evidence but only required to see whether the allegations *prima facie* disclose involvement of the petitioner which require further investigation. In the instant case, the Court is of the considered view that the allegations are not only specific but also supported by preliminary material including financial transactions. Whether such allegations are ultimately proved or not are a matter of trial and cannot be pre-judged at this stage. The contentions regarding delay in lodging the FIR in registration of the FIR cannot be considered a ground for

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grant of anticipatory bail when the allegations involve large-scale monetary fraud coupled with threats. Cases involving economic offences often come to light only after reconciliation of accounts and verification of transactions. The complainant has explained that he became aware of the fraud only upon cross-checking payment details with the buyers. Furthermore, the plea of the petitioner of false implication is a matter of defence that can only be adjudicated upon during the course of trial after appreciation of evidence. It is trite law that the anticipatory bail is an extraordinary relief and is not to be granted as a matter of right, particularly in cases involving serious economic offences

8. It is settled law that while considering a plea for anticipatory bail, the Court must keep in mind the gravity of the offence, the nature of the allegations and the requirement of custodial interrogation. Economic offences, being committed with deliberate design and affecting the financial integrity of institutions are to be treated as grave offences. The investigation is at nascent stage and the recovery of crucial documentary evidence coupled with other circumstances detailed in the investigation points towards the active complicity of the petitioner in the alleged offence. The nature and gravity of the offence necessitate a thorough investigation which, at this stage, cannot be conducted without the petitioner being in custody. Moreover, no exceptional or compelling circumstance has been demonstrated which would warrant the grant of anticipatory bail in such a serious offence. The petitioner, in a calculated and fraudulent manner, proceeded to defraud the complainant which is a grave and serious economic offence.



9. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to establish a reasonable basis for the accusation of the petitioner. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***, the Hon'ble Supreme Court held as under : (SCC p. 189, para 6)

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented 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 a 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 task of disinterring offences would not conduct themselves as offenders.”

10. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual



milieu of the case in hand. Moreover, custodial interrogation of the petitioner may be necessary to unravel the full extent of the conspiracy.

11. In view of the prevenient ratiocination, it is directed as under:
- (i) The petition in hand is dismissed being devoid of merits.
 - (ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
 - (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

December 11, 2025
Ajay

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