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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-5318 of 2026
Date of Decision: 25.05.2026

Sunita

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. C.S. Rana, Advocate for the petitioner.

Ms. Amrit Kaur Mahir, AAG, Punjab.

None for the complainant.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the present petition filed under Section 482 of the BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.130 dated 25.08.2025 registered under Sections 420 of IPC, at Police Station Haibowal, District Police Commissionerate Ludhiana.

2. Brief facts as per the prosecution case are that the petitioner after forging General Power of Attorney of Manju Khera, got registered sale deed and cheated the complainant for a sum of Rs.18 lakhs. Hence, the present FIR.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He argued that only general and vague allegations have been levelled against the petitioner in the FIR. He further argued that the petitioner was in dire need of financial assistance due to which, he took Rs.1,00,000/- from the complainant at a

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monthly interest of 5% and in lieu of that, the complainant obtained her signatures on blank stamp paper of Rs.500/-, which was subsequently converted into an agreement to sell. He further argued that the petitioner has already returned the money to the complainant and now he is demanding Rs.1,40,000/- from the petitioner and in order to pressurize her, the false FIR has been registered against the petitioner. He further argued that if the contents of the FIR are taken to be true, even then the dispute in the present case is of civil nature, which has been given criminal colour by registering the present FIR. He further submitted that the entire case is based on documentary evidence which are already in possession of the complainant or the investigating agency, hence, nothing is to be recovered from the petitioner. No recovery is to be effected from the petitioner. Learned counsel for the petitioner further submits that the petitioner is ready and willing to join the investigation as and when called upon to do so by the investigating agency.

4. After registration of the FIR, investigation has been initiated and is under way. Apprehending her arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Sessions Judge, Ludhiana, vide order dated 19.12.2025.

5. On the other hand, learned State counsel has opposed the prayer of the petitioner for grant of anticipatory bail on the ground that the allegations levelled against the petitioner are serious in nature. She submitted that the petitioner was specifically named in the FIR. She argued that the petitioner represented herself to be the owner in possession of the property situated at Gopal Nagar, Haibowal Khurd, Ludhiana and entered into an

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agreement to sell with the complainant for a sale consideration of Rs.13,15,000/-. After receiving earnest money from the complainant and handing over possession of the house, she failed to execute the sale deed on the pretext that the registry of the property was lying mortgaged with the bank. She argued that during investigation, it further came to light that the petitioner had also entered into another agreement to sell dated 22.10.2024 qua the same property with one Monu Ram, who is presently residing in the said house as a subsequent purchaser and the petitioner has not executed the sale deed in his favour as well. Thus, the petitioner by concealing the true status of the property and by executing multiple agreements regarding the same property dishonestly induced the complainant and other persons to part with money, thereby committed the offence of cheating. The entire sequence reflects pre-planned, organized and deliberate criminal act aimed at unlawfully obtaining financial gain. She further argued that the custodial interrogation of the petitioner is required for a fair and proper investigation in the matter as well as to unearth the modus operandi of accused and to recover the amount involved. Hence, she prays for dismissal of the petition.

6. Heard.

7. In the present case, the allegations against the petitioner are serious in nature. She is specifically named in the FIR. The material collected during investigation prima facie reveals that the petitioner, by concealing the true status of the property in question, executed multiple agreements to sell in respect of the same property and induced the complainant as well as other persons to part with substantial amounts of money. The allegations against the petitioner cannot, at this stage, be termed



as a mere civil dispute simpliciter, as the facts disclose elements of deception and dishonest inducement from the very inception. The investigation is still at a nascent stage and the custodial interrogation of the petitioner appears necessary for effective investigation, recovery of the amount involved and for unearthing the complete modus operandi adopted by the accused. While considering plea for grant of anticipatory bail, this Court is required to consider the overall nature of offence and accusations against the accused, the manner of occurrence, the gravity of offence and the potential impact of granting pre-arrest protection to the petitioner, at this stage. Granting anticipatory bail to the petitioner with such allegations, at this preliminary stage, would not be justified as it may affect the course of fair investigation and undermine the seriousness of the alleged act.

8. 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. It would be apposite to refer herein judgment of Hon'ble Supreme Court in '**State Vs. Anil Sharma**', (1997) 7 SCC 187, wherein it has been held as under:

"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 information 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 offences would not conduct themselves as offenders."

9. Further, the Hon'ble Supreme Court, in case titled as "**P. Chidambaram v. Directorate of Enforcement**", (2019) 9 SCC 24, while dealing with economic offences, has held that the power of anticipatory bail should be sparingly exercised in economic offences. The relevant portion of the judgment is reproduced as under:-

*"77. After referring to Siddharam Satlingappa Mhetre and other judgments and observing that anticipatory bail can be granted only in exceptional circumstances, in **Jai Prakash Singh v. State of Bihar**, the Supreme Court held as under: (SCC p.386, para 19)*

"19. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the Court is prima facie of the view that the applicant has falsely been enroled in the crime and would not misuse his liberty".

Economic Offences

78. Power under Section 438 CrPC being an extraordinary remedy, has to be exercised sparingly; more so, in cases of



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*economic offences. Economic offences stand as a different class as they affect the economic fabric of the society. In **Directorate of Enforcement v. Ashok Kumar Jain**, it was held that in economic offences, the accuse is not entitled to anticipatory bail.*

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83. Grant of anticipatory bail at the stage of investigation may frustrate the investigating agency in interrogating the accused and in collecting the useful information and also the materials which might have been concealed. Success in such interrogation would elude if the accused knows that he is protected by the order of the court. Grant of anticipatory bail, particularly in economic offences would definitely hamper the effective investigation. Having regard to the materials said to have been collected by the respondent Enforcement Directorate and considering the stage of the investigation, we are of the view that it is not a fit case to grant anticipatory bail”.

10. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for effective investigation and if it is denied, it will leave many loose ends, which is not desired. Thus, the present petition being devoid of merits is accordingly dismissed.

11. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case.

(RUPINDERJIT CHAHAL)
JUDGE

25.05.2026
D.Bansal

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