



CRM-M-10447 of 2026 -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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CRM-M-10447 of 2026  
Date of Decision: 09.03.2026

Nancy alias Nicky

....Petitioner

Versus

State of Punjab

....Respondent

**CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL**

Present: Mr. Shivender Pal Singh, Advocate  
for the petitioner.

Mr. Rahul Jindal, AAG, Punjab.

Mr. Bharat Puri, Advocate (through VC)  
for the complainant.

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**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.02 dated 30.01.2026 registered under Sections 318(4), 316(2) and 61(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 24 of the Emigration Act, 1983, at Police Station NRI, District Police Commissionerate Jalandhar.

2. Brief facts as per the prosecution case are that the petitioner in connivance with other co-accused, cheated the complainant and her husband for a sum of Rs.24 lakhs, on the pretext of sending them abroad. Hence, the present FIR.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He further



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submitted that the petitioner is mere employee of the company 'Humble Overseas Consultant' and she is not a partner in the said entity. He argued that the petitioner was neither any beneficiary of the alleged transactions, nor a single penny has been deposited in her account. He argued that the allegations are totally false and frivolous as the petitioner never assured the complainant or her husband to send them abroad. He further argued that mere presence at the office or being in employment of other accused cannot attract criminal liability. 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. Moreover, the petitioner has clean antecedents as she is not involved in any other case. 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. Hence, he prays that present petition be allowed.

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 Additional Sessions Judge (NRI Court), Jalandhar, vide order dated 17.02.2026.

5.            On the other hand, learned State counsel has filed the status report in the matter, which is taken on record and while referring to the same, he has vehemently 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. He argued that the petitioner is specifically



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named in the FIR. He further argued that the petitioner is an active member of an organized group engaged in illegal immigration activities and fraudulent practices. The petitioner, in connivance with co-accused, dishonestly induced the complainant to pay a substantial amount on the false assurance of securing a work permit for the United Kingdom. He further submitted that the petitioner is not only peripheral participant but principal architect of the conspiracy. She along with co-accused orchestrated a well planned conspiracy to cheat the complainant. He further submitted 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 in the alleged fraud. Hence, he prays for dismissal of the petition.

6.            Learned counsel for the complainant adopts the submissions made by learned State counsel and while opposing the prayer for grant of bail to the petitioner, has contended that the petitioner has played an active role in the crime. He further submitted that the entire conversation regarding the work visa was with the petitioner only and the amounts and documents were also deposited by the complainant on instructions of petitioner only. To substantiate the said fact, he has produced whatsapp chat of the complainant with the petitioner. Thus, the petitioner does not deserve the concession of bail.

7.            After hearing learned counsel for the parties and considering the material available on record, this court is of the opinion that the allegations against her are serious in nature and she is specifically named in the FIR with a distinct and active role attributed to her in the alleged fraud. The record



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prima facie reflects that substantial amounts were received by the petitioner and co-accused, entire amount has been deposited by the complainant on instructions of petitioner only, and the State has asserted the necessity of custodial interrogation to unearth the modus operandi of the conspiracy and to effect recovery of the cheated amount. The events in entirety indicate towards the existence of a bigger syndicate indulging in dubious activities as a result of which, innocent victims end up being preyed upon by such illusory tactics. While considering the 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. Considering the gravity of the allegations, the custodial interrogation of the petitioner is necessary for effective investigation in the matter.

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 enroped 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 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.*

XXX XXX XXX

*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**

**09.03.2026**

*D.Bansal*

Whether speaking/reasoned  
Whether reportable

: Yes/No  
: Yes/No