



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

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**CRM-M No.11881 of 2026
Date of decision : 30.3.2026
Date of uploading : 01.04.2026**

Lovejot Kaur**Petitioner**
Versus
State of Punjab and another**Respondents**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Sunita Nambiar, Advocate, for
Mr. Balkar Singh, Advocate, for the petitioner
Mr. Baljinder Singh Sra, Addl. AG, Punjab
Mr. Vijay Rana, Advocate and
Ms. Shreya Rana, Advocate, for the complainant

SUMEET GOEL, J. (ORAL)

1. Apprehending his arrest in FIR No.200 dated 30.12.2024, under Sections 406 and 420 of IPC and Section 13 of Punjab Travel Professional (Regulation) Act, 2014, registered at Police Station Cantt. Jalandhar, District Police Commissionerate, Jalandhar, the petitioner has preferred this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking pre-arrest bail.
2. The gravamen of the FIR in question is that the complainant Ranjodh Singh has moved a complaint against 5 accused, namely Balkar Singh (was working in PAP, Jalandhar), his wife Kuldip Kaur, his daughter Lovejot Kaur (petitioner herein), Harwinder Kaur and Sandeep



Kaur alleging therein that these persons in conspiracy with each other cheated his son Sahibjot Singh and daughter Jaspreet Kaur to the tune of ₹18,15,220/- for sending them abroad i.e. Canada on work permit,

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that the petitioner has not got any money from the complainant. Learned counsel has further submitted that main accused (father of the petitioner) Balkar Singh has expired. Learned counsel has further submitted that the complainant got transferred ₹5 lakhs in the account of co-accused Harwinder Kaur (mother of the petitioner), and she has already been granted the concession of anticipatory bail by a Coordinate Bench of this Court vide order dated 24.4.2025 passed in CRM-M No.21582 of 2025. Learned counsel has further submitted that the parties have settled the matter amicably (copy of which has been appended alongwith the present petition as Annexure P-3 dated 29.8.2025). Thus, the petitioner be given the concession of anticipatory bail.

4. Learned State counsel has filed reply by way of affidavit of Dhanpreet Kaur, IPS, Commissioner of Police, Jalandhar, in Court today. The same be kept on record. Relevant portion of the said reply reads thus :

“(A) Role of the petitioner:

Petitioner, in connivance with co-accused Balkar Singh and others, allured the complainant (respondent no.2) and his family on the false pretext of sending his son and daughter abroad on work permit to Canada, induced them to part with huge amounts of money, received substantial payments directly in her own bank account, facilitated further transfers to



co-accused and participated throughout in the fraudulent scheme, thereby playing a direct and instrumental role in cheating the complainant (respondent no.2) of an amount to the tune of approximately Rs. 18,15,220/-.

(B) Evidence against the petitioner:

i) Statement of the complainant (respondent No.2).

ii) Direct monetary transactions in petitioner's account:

During Investigation, it has come on record that substantial amounts including Rs.1,95,000/- and further amounts (Rs.4 lakh + Rs.1 lakh on 29.04.2024) were transferred directly into the bank account of the petitioner, establishing her direct financial involvement.

iii) Role in facilitating further payments: Petitioner actively instructed the complainant (respondent No.2) to transfer Rs.5 lakh into the account of co-accused Harvinder Kaur and other amounts towards alleged processing, embassy and medical fees, thereby acting as a key link in the transaction chain.

iv) Non-fulfilment of promise and retention of money: Despite receiving huge amounts, neither any visa nor work permit was arranged, nor was the money returned, which clearly establishes dishonest intention from inception.

v) Enquiry Report

(C) Necessity of Custodial interrogation:

i) To ascertain the flow of cheated money and recover the cheated amount.

ii) To unearth the conspiracy and role of co-accused: The case involves multiple accused acting in concert, custodial interrogation is necessary to reveal the full conspiracy and inter-se roles.

(iii) To verify financial transactions and digital evidence: Bank transactions, mobile communications, and electronic records require detailed confrontation and verification which can be effectively done only during custodial interrogation.

(iv) To recover incriminating material and documents: Relevant documents relating to travel arrangements, fake assurances, and financial dealings are yet to be recovered.'

On the basis of above said reply, learned State Counsel submits

that the allegations against the petitioner are grave and serious in nature.

She has played a vital role in the commission of offence. Thus, custodial



interrogation of the petitioner is imperative for the purpose of effective and fair investigation and to unearth the case of the prosecution. In case the petitioner is granted the concession of pre-arrest bail, at this stage, it may impede the ongoing investigation.

5. I have heard learned counsel for the rival parties and have gone through the entire record.

6. It would be apposite to refer herein to a judgment of the Hon'ble Supreme Court titled as ***Kishor Vishwasrao Patil vs. Deepak Yashwant Patil and another*** passed in ***SLP(Crl) No.1125-2022***, relevant whereof reads as under:

“74. Ordinarily, arrest is a part of the process of the investigation intended to secure several purposes. There may be circumstances in which the accused may provide information leading to discovery of material facts and relevant information. Grant of anticipatory bail may hamper the investigation. Pre-arrest bail is to strike a balance between the individual's right to personal freedom and the right of the investigating agency to interrogate the accused as to the material so far collected and to collect more information which may lead to recovery of relevant information.

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*75. Observing that the arrest is a part of the investigation intended to secure several purposes, in ***Adri Dharan Das v. State of W.B. [Adri Dharan Das v. State of W.B., (2005) 4 SCC 303 : 2005 SCC (Cri) 933]***, it was held as under : (SCC p. 313, para 19)*

“19. Ordinarily, arrest is a part of the process of investigation intended to secure several purposes. The accused may have to be questioned in detail regarding various facets of motive, preparation, commission and aftermath of the crime and the connection of other persons, if any, in the crime. There may be circumstances in which the accused may provide information leading to discovery of material facts. It may be necessary to curtail his freedom in order to enable the investigation to proceed without hindrance and to protect witnesses and persons



connected with the victim of the crime, to prevent his disappearance, to maintain law and order in the locality. For these or other reasons, arrest may become an inevitable part of the process of investigation. The legality of the proposed arrest cannot be gone into in an application under Section 438 of the Code. The role of the investigator is well defined and the jurisdictional scope of interference by the court in the process of investigation is limited. The court ordinarily will not interfere with the investigation of a crime or with the arrest of the accused in a cognizable offence. An interim order restraining arrest, if passed while dealing with an application under Section 438 of the Code will amount to interference in the investigation, which cannot, at any rate, be done under Section 438 of the Code.”

*76. In **Siddharam Satlingappa Mhetre v. State of Maharashtra** [**Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514**], the Supreme Court laid down the factors and parameters to be considered while dealing with anticipatory bail. It was held that the nature and the gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made and that the court must evaluate the available material against the accused very carefully. It was also held that the court should also consider whether the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.*

*77. After referring to **Siddharam Satlingappa Mhetre** [**Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514**] and other judgments and observing that anticipatory bail can be granted only in exceptional circumstances, in **Jai Prakash Singh v. State of Bihar** [**Jai Prakash Singh v. State of Bihar, (2012) 4 SCC 379 : (2012) 2 SCC (Cri) 468**] , 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. (See **D.K. Ganesh Babu v. P.T. Manokaran** [**D.K. Ganesh Babu v. P.T. Manokaran, (2007) 4 SCC 434 : (2007) 2 SCC***



(Cri) 345] , State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain [State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain, (2008) 1 SCC 213 : (2008) 1 SCC (Cri) 176] and Union of India v. Padam Narain Aggarwal [Union of India v. Padam Narain Aggarwal, (2008) 13 SCC 305 : (2009) 1 SCC (Cri) 1].)”

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 [Directorate of Enforcement v. Ashok Kumar Jain, (1998) 2 SCC 105 : 1998 SCC (Cri) 510], it was held that in economic offences, the accused is not entitled to anticipatory bail.”

15. In Sushila Agrawal and others v. State (NCT of Delhi) and Another reported in (2020) 5 SCC 1, Constitution Bench of this Court held that while considering an application for grant of pre-arrest bail the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence or likelihood of fleeing justice. The Court held:-

“92.4. Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion; equally whether and if so, what kind of special conditions are to be imposed (or not imposed) are dependent on facts of the case, and subject to the discretion of the court.”

7. Perusal of case file and the material on record reveals that the petitioner alongwith his co-accused cheated the complainant to the tune of ₹18,15,220/- on account of sending his son and daughter abroad i.e. Canada on work permit. The petitioner has received ₹1,95,000/- directly in her bank account from the complainant-side. As the petitioner was a member of the cheating party, thus, she has played a vital and active role



in the commission of offence. The allegations against the petitioner are grave and serious in nature. As per submissions made by learned State counsel, the matter is still under investigation, and custodial interrogation of the present petitioner is necessary to unravel the truth. The learned counsel for the petitioner has failed to demonstrate that the case registered against her is false.

7.1 No cause *may* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR.

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 is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression. 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 be established a reasonable basis for the accusations. 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* [*State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039*], the 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 a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

9. In view of the gravity of the allegations and nature of offence, since the necessity of custodial interrogation would arise for a fair and thorough investigation, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby dismissed.

10. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

(SUMEET GOEL)
JUDGE

30.3.2026

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No