IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-12130-2026
Date of decision: 10.03.2026

Paramjeet Kaur

......Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Krishan Singh, Advocate for the petitioner.

Mr. Sunny Namdev, AAG, Haryana.

AARADHNA SAWHNEY, J (ORAL)

1. Petitioner, who is accused in case FIR No.142 dated 24.05.2025 registered against him, for commission of offences punishable under Sections 406,420,506,120-B IPC and Section 4 of Immigration Act registered at Police Station Mullana, District Ambala, has filed the instant petition, praying for grant of pre-arrest bail.

2. Relevant facts as emerging from the documents on record be noticed hereinbelow:

Kanwalpreet Singh, son of Late Gurpal Singh and his mother Smt Surinder Kaur set the criminal law in motion by filing a complaint against Sagar Bawa, Shiv Kumar, Sonia, Sonu, and Paramjeet Kaur (P), alleging therein that above-mentioned persons had assured them (complainants) for obtaining Australian visa for Kanwalpreet Singh. Deal was struck at Rs.11 lakhs. It was agreed that Rs.2 lakhs would have to be paid before the visa was issued, and thereafter Rs.9 lakhs would be paid. Allegation against the petitioner is that Kanwalpreet Singh from his account No.922010037597706, in Axis Bank transferred a sum of Rs.9 lakhs through cheque into Account No.05462151007201 of Oriental Bank of Commerce of Paramjeet Kaur (P), which has now merged with Punjab National Bank on 24-05-2023. Complainant next alleged that accused had initially given an airline ticket from Delhi to Nepal. He went to Kathmandu on 18-06-2023, stayed there for about a week and thereafter headed for Thailand, where he got stuck up for five months. He (Kanwalpreet Singh) kept on repeatedly calling all the accused, requesting them to abide by their promise, but they did not respond to his calls. It was later that he (Kanwalpreet Singh) came to know that the visa handed over to him was fake. Resultantly, he was deported back to India and also had to pay a fine of Rs.60,000/- on account of his illegal stay of 118 days in Thailand. Once he returned back to India, he again requested all the accused, including the present petitioner, to return back his money, but they flatly refused, rather issued threats to him. Primarily based on these allegations, the complaint was filed. Finding substance in the allegations leveled by the complainant, aforesaid FIR came to be registered.

Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail before the learned Additional Session Judge, Ambala. The same came to be dismissed vide order dated 17.02.2026. Aggrieved of which, the present petition has been filed.

3. Learned counsel for the petitioner contends that the petitioner, a lady aged about 48 years, has been falsely implicated in the present case. In fact, she is a Victim of fraud played upon her by other accused. She wanted to send her son abroad and contacted her relatives i.e Surinder Kaur and complainant Kanwalpreet Singh son of Surinder Kaur. It was Surinder Kaur who introduced petitioner to Sandeep Kumar, who assured them that he is well connected and is engaged in the immigration business as also that he would be able to send her children abroad. Rs.5 lakhs were paid by her (P) to Shiv Kumar for the said purpose but he did not

stand by his words. It is further submission of learned counsel that though admittedly Rs.9 lakhs were credited in the account of the petitioner by Smt. Surinder Kaur, who is her real maternal aunt, but later Rs.6 lakhs were handed over to co-accused Shiv Kumar, who did not provide visa to Kanwalpreet Singh, nor returned the amount. Taking his submission further, learned counsel contends that petitioner, who is a rustic homemaker, has nothing to do with the immigration business but taking undue advantage of her simplicity and amount credited in her account, she has been falsely arrayed as an accused at the instance of Smt. Surinder Kaur, who had in fact introduced her (P) to the agents engaged in the immigration business. Learned counsel contends that the petitioner has herself lost Rs.5 lakhs, which was handed over by her to Shiv Kumar. In this context, petitioner also moved a representation to the police officials clarifying her stand, but no heed was paid. In the factual backdrop of the case, learned counsel contends that the petitioner, who has been unnecessarily arrayed as an accused and from whom no recovery is to be effected, deserves a lenient view, moreso when she is willing to join the investigation as and when called for. Prayer for allowing the petition has been prayed for.

4. *Per contra*, while opposing the request for grant of bail, learned State counsel accompanied by Mr. Munish Behl, Advocate, who has appeared for the complainant and filed his Vakalatnama, contends that the petitioner was named in the FIR. Complainant alleged that the petitioner in conspiracy with other accused (also named in the FIR), played a calculated fraud upon him (Kanwaljit Singh), as they all had assured him that with their connections and good offices, they would be able to send the boy abroad (Australia). Relying upon their assurances, Rs. 9 lakh were credited in the account of the petitioner, which fact was verified by the police officials before lodging the FIR (statement of account of both petitioner and Smt Surinder Kaur, mother of Kanwalpreet Singh, were collected). The plea taken

by the petitioner that she is herself a 'Victim' of fraud appears to be a last-minute effort on her part to wriggle out of the embarrassing situation in which she is presently placed. If the fraud had been played on her by other accused who had allegedly taken Rs. 5 lakh from her in the name of sending her son abroad, it remains unexplained as to why petitioner did not forewarn Smt Surinder Kaur, who is closely related to her. That apart, she has not been able to satisfactorily explain that if she was not involved in the entire racket, why did she accept Rs.9 lakhs from Smt Surinder Kaur. It is thus the submission of both the counsel that on account of false assurances/promises issued by other co-accused, (none of whom has been arrested till date), Kamaljeet Singh was deported back from Thailand as his visa was found to be fake. That apart, he had to incur Rs.60,000/- for the period, he (Kanwalpreet Singh) overstayed in Thailand. Primarily based on these submissions, both the learned counsel contend that custodial interrogation of the petitioner is needed to recover the money of complainant, to find out the whereabouts of other accused, who are involved in this racket and who are still at large, what is their modus operandi, how many unsuspecting innocent persons have been deprived of their hard earned money by extending false promises to them of sending them/their children abroad. Thus, prayer for dismissal of the petitioner has been prayed for.

5. I have heard learned counsel for the parties and perused the documents available on record.

6. Before expressing any opinion on the merits of the rival contentions raised by learned counsel for the petitioner, learned counsel for the complainant and learned State counsel, it would be appropriate to refer to certain relevant judgments of Hon'ble Supreme Court, wherein the factors to be kept in mind while dealing with an application for grant of anticipatory bail, have been discussed.

In **Prasanta Kumar Sarkars case (supra) (Prasanta Kumar Sarkar Vs. Ashish Chatterjee and another)**, a Division Bench of this Court had highlighted the factors that ought to be borne in mind while considering the anticipatory bail application and had stated that :-

9. We are of the opinion that the impugned order is clearly unsustainable. It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:

(i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;
(ii) nature and gravity of the accusation;
(iii)severity of the punishment in the event of conviction;
(iv)danger of the accused absconding or fleeing, if released on bail;
(v) character, behaviour, means, position and standing of the accused;
(vi) likelihood of the offence being repeated;
(vii) reasonable apprehension of the witnesses being influenced; and
(viii) danger, of course, of justice being thwarted by grant of bail."

In **Nikita Jagganath Shetty @ Nikita Vishwajeet Jadhav vs. The State of Maharashtra and another, 2025 AIR SC 3375**, the Hon'ble Supreme Court held that "Anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner."

7. Factual backdrop of the case leading to the registration of the FIR has already been noticed in para 2 of the order. In his first version given to the police authorities, complainant specifically named the petitioner as one of the accused who along with others who had extended false promise to him and had assured him that they all would be able to send him abroad. Petitioner is close relative of Smt Surinder Kaur, mother of Kamaljeet Singh. Statement of account of Smt Surinder Kaur collected during the course of investigation revealed that Rs.9 lakhs

had been transferred into the account of the present petitioner through RTGS. As has been rightly submitted by learned State counsel, the plea taken by petitioner that she is herself a Victim of fraud does not appeal to common sense. It remains unexplained that if a fraud had been played upon her by other accused (none of whom has been arrested till date), why did she not forewarn the mother of complainant Kanwalpreet Singh and that apart, she has not been able to explain as to why Rs. 9 lakhs were credited in her account if she was not involved in this entire racket.

8. Considering the facts referred above, agreeing with the submissions made by learned State counsel, this Court is of the opinion custodial interrogation of the petitioner is required as petitioner has not been able to make out a case of exceptional depravity or hardship in his favour entitling her this extra ordinary relief of grant of pre-arrest bail. As the investigation is at the preliminary stage and same shall be hampered and impeded in case the accused is released on anticipatory bail.

Dismissal of the anticipatory bail application shall not be construed to mean that the prosecution/Investigating Officer can dispense with requirement of Section 41-A Cr.P.C (Section 35 of BNS) as also the ratio of judgment of Hon'ble Supreme Court reported as **Arnesh Kumar Vs. State of Bihar and Anr (2014) 8 SCR 128** and proceed with the arbitrary arrest.

Dismissed.

10.03.2026 **(AARADHNA SAWHNEY)**
manoj **JUDGE**

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No