



117

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

CRM-M-13078-2026

Guneet Bajaj @ Guneet Chawla

....Petitioner

versus

State of Punjab

....Respondent

Date of Decision: March 25, 2026**Date of Uploading: March 25, 2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:** Mr. Ribhav Singla, Advocate for the petitioner.

Mr. Hemant Aggarwal, DAG, Punjab
(Through V.C.).

Mr. Prateek Pandit, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner, in case bearing FIR No.215 dated 23.07.2025, registered for the offences punishable under Sections 123 and 351(2) of BNS 2023, at Police Station City Kapurthala, District Kapurthala.

2. The gravamen of allegation against the petitioner is that the petitioner had cheated the complainant to the tune of Rs.32,50,000/-, which were paid to the petitioner and her husband namely Barinder Chawla on the pretext of sending him to America. It has been alleged that when the complainant demanded his money back, the petitioner and her husband extended threats & the amount was not returned to the complainant. The

complainant has further alleged that when he demanded his money back, the accused persons called him at Guru Nanak Stadium, Kapurthala, where unknown persons, allegedly acting at the instance of the accused persons, forcibly administered phenyl and threatened to kill him. Upon these set of allegations, the instant FIR came to be registered against accused persons.

3. Learned counsel for the petitioner has iterated that a bare perusal of the FIR itself shows that allegations leveled against the petitioner are concocted, improbable and devoid of any merit. Learned counsel has further iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that the petitioner has no role in the present FIR and she was just arrayed as an accused due to her husband. He has further contended that there is no direct role attributed to the petitioner in the alleged occurrence. He has further contended that as per the complainant himself, the alleged act was committed by unknown persons. Learned counsel for the petitioner has further submitted that there is a delay of 2 days in the lodging of the FIR and no explanation has been furnished by the complainant for such delay. It is also argued that the petitioner has not received any amount from the complainant. It is further contended that the petitioner has been living separately from her husband since 2023 and has also filed a petition for divorce under Section 13-B of the Hindu Marriage Act seeking divorce from her husband, who has also been arrayed as an accused in the present case. Learned counsel further submits that it is on account of the acts of her husband that the petitioner has been named in multiple FIRs, and that she has no role whatsoever in the said cases.

3.1. Learned counsel asserts that the custodial interrogation should not be used as a punitive measure and is justified only when absolutely necessary for the recovery of material evidence. Learned counsel has argued

that nothing is to be recovered from the petitioner. Furthermore, the petitioner is ready to join the investigation and hence no useful purpose would be served by sending her behind the bars. On the aforesaid submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel (assisted by learned counsel for the complainant) while raising arguments in tandem with the short reply dated 24.03.2026 has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. Learned State counsel has asserted that the petitioner has been specifically named in the FIR in question. Learned State counsel has further submitted that there are serious allegations involving cheating of huge amounts and administering poisonous substance. The complainant had paid huge amount of Rs.32,50,000/- to the petitioner and her husband in order to send him America, but the petitioner, instead, cheated the complainant, and neither the complainant was sent abroad nor was the amount returned to him. According to learned State counsel, the offence committed by the petitioner caused substantial financial and emotional distress to the victim. Considering the seriousness of the allegations, custodial interrogation of the petitioner maybe necessary to unearth the broader conspiracy, identify co-accused and recover the ill-gotten money. Given the severity of the offence, there exists a substantial likelihood that the petitioner may abscond or tamper with the evidence, if she is enlarged on bail. On the strength of these submissions, dismissal of the petition in hand 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, the allegations against the petitioner are grave and specific. The petitioner is specifically

named in the FIR and there are direct/specific allegations regarding defrauding the complainant to the tune of Rs.32,50,000/- on the pretext of sending the complainant to America, but neither the petitioner honored her promise nor had returned the money in question. From the reply filed by State, it is evident that the petitioner is involved in multiple FIRs pertaining to similar offences and therefore appears to be a habitual offender. It is also pertinent to note that an earlier petition seeking anticipatory bail pertaining to same offence filed by the present petitioner has already been dismissed by this Court vide order dated 16.03.2026 passed in CRM-M-14454-2026. Furthermore, the petitioner is stated to have filed a divorce petition under Section 13-B of the Hindu Marriage Act, which appears to be a tactic adopted to evade police action.

No cause *nay* 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.

7. 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 interests. 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.”

8. In view of the seriousness of the allegations, this Court finds no compelling ground to extend the benefit of discretionary relief to the petitioner. 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**.

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

10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

March 25, 2026

Naveen

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No