



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

CRM-M-15671-2026

Date of decision: 06.04.2026

SWARAN KAUR @ SAWARN KAUR

....Petitioner

Versus

STATE OF HARYANA AND ANR.

....Respondens

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Inderjeet Singh, Advocate for the petitioner.

Mr. Mohit Chaudhary, AAG Haryana.

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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.269 dated 21.08.2025 registered under Sections 316(2), 318(4), 61(2), at Police Station Naraingarh, District Ambala.

2. Brief facts as per the prosecution case are that the petitioner in connivance with other co-accused, cheated the complainant to the tune of Rs.10 lacs on the pretext of sale of land. Hence, the present FIR.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case and she has no concern with the alleged fraud. He further submits that the complainant has settled the matter after coming to know about the complication regarding possession of the land and partition proceeding and accepted an amount of Rs.12 lacs from the petitioner against Rs.10 lacs in dispute. He further contends that this fact was totally ignored by the learned Trial



Court while dismissing the bail application. He submits that the entire case is based upon documentary evidence and has been given a criminal colour. 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 his arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Ambala, vide order dated 18.02.2026.

5. Mr. Rajesh Duhan, Advocate has put in appearance on behalf of the complainant and has filed his memo of appearance. The same is taken on record. He has opposed to the relief sought by the petitioner.

6. 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 named in the FIR. He further submits that despite the petitioner not having any land in her name, executed an agreement to sell with the complainant and the amount in dispute was transferred into the account of the petitioner and co-accused through RTGS. 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; as well



as to recover the amount involved in the alleged fraud and also to identify victims of similar fraud committed by the petitioner. Hence, he prays for dismissal of the petition.

7. I have heard learned counsel for the parties and perused the record with their able assistance. The allegations levelled against the petitioner are serious in nature and pertain to a well-planned conspiracy involving fraud. As per the status report, the petitioner is not only specifically named in the FIR but also hatched a conspiracy and defrauded the complainant to the tune of Rs.10 lacs. The material collected during investigation prima facie indicates the involvement of multiple persons acting in concert and the role of the present petitioner is yet to be fully unearthed. The investigation qua the petitioner is still underway and several aspects, including the flow of the cheated amount and the exact inter se role of the accused persons, are required to be thoroughly examined. The requirement of custodial interrogation, as asserted by the State, appears to be justified for effective investigation, recovery of the defrauded amount, and to unearth the complete modus operandi as well as involvement in similar offences. 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.*

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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.

06.04.2026
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(RUPINDERJIT CHAHAL)
JUDGE

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No