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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(204)

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Date of decision: 22.05.2026

Hardeep Kaur

..... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Jai Bhagwan, Advocate,
for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 BNSS (Section 438 Cr.P.C.) is for the grant of anticipatory bail to the petitioner in case FIR No.54 dated 03.03.2026 under Sections 308(2), 351(2), 127, 3(5) of BNS (old Sections 384, 506, 340 and 34 IPC) registered at Police Station City-I, Malerkotla.

2. The present FIR came to be registered at the instance of Karamjit Singh and reads as under:-

First Information Contents: Copy of original statement: statement of Karamjit Singh son of Surta Singh, resident of Burj, Police Station Sandour, District Malerkotla, aged about 55 years, Mob: 6284792006. Stated that I am a resident of the above address and I am an RMP doctor and on 27.02.2026 at around 11.45 AM, I had come to the medical store of Dr. Gurvinder Singh's hospital, bus stand road, Malerkotla to get medicine and outside the store I met 2 unknown women, who

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started talking to me and who were on an Activa scooter, who took me to the house situated at village Adamwal. These women made me smell some substance, due to which I became unconscious. Then these women made a video of me on their mobile phones and when I came to my senses, 4 women were present in that house. Then the unknown woman started telling me that we have made your video, you talk with us by sitting with us. Then the said women took Rs.10,000/-from me through Google Pay and Rs.1500 in cash and pushed me out. Then I told all this to my friend Chamkor Singh son of Gulozhar Singh resident of Adamwal, who I met on the road outside my house. When I told him, the above mentioned Chamkor Singh came to the same house with me and I had a conversation with the said women for Rs.50,000/-. Then they returned my mobile phone to me and Chamkor Singh took responsibility for it. Today, on 03.03.2026, a call came from a number 79864-53773 on the mobile phone of above mentioned Chamkor Singh to the effect that come with money, otherwise, we will make your videos viral. So, I had a talk about this with the above said women on account of fear of my insult. And now I have been searching for these unknown women on my own, out of whom, I have come to know about them i.e. Gurvinder Kaur wife Avtar Singh resident of Adamwal, now resident of Madevi Road, Malerkotla, Hardeep Kaur wife Jagpal Singh alias Pali, Manjot Kaur daughter of Jagpal Singh alias Pali resident of Adamwal and 2 other unknown women, who earlier also have done this to many people and taken money by blackmailing them. Today I was going to the police station City 1, Malerkotla along with my friend Chamkaur Singh son of Guljar Singh resident of Adamwal to give information, then I met you along with the police party near Truck Union Chowk Malerkotla. Statement is

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recorded to you, read over it, which is correct. Sd/-Karamjit Singh.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The story of the complainant is totally improbable as no prudent person would go with two unknown ladies to their house. In fact, the complainant had gone to the house in question for illicit purposes and on being caught, has got registered the present FIR. As the petitioner is ready and willing to join the investigation, she be granted the concession of anticipatory bail.

4. The learned counsel for the State, on the other hand, has filed a reply dated 21.05.2026 which is taken on record. While referring to the same, he contends that the petitioner is duly named in the FIR. Thereafter, one Gurvinder Kaur wife of Avtar Singh was arrested and also disclosed the name of the present petitioner as being an active participant in the commission of the offence. In fact, the petitioner in connivance with other accused was instrumental in orchestrating the entire incident of blackmailing and extortion. The occurrence has taken place in the house of the petitioner's daughter-Manjot Kaur where the petitioner too is residing. As the offence is *prima facie* established and the investigation is to be taken to its logical conclusion, the custodial interrogation of the petitioner is required and therefore, she is not entitled to the concession of anticipatory bail.

5. I have heard the learned counsel for the parties.



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6. The Hon'ble Supreme Court in the case of '**Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022(4) RCR (Criminal) 977**', has held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the *prima facie* case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

"It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.

Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

*We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. **In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial***



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interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

7. The petitioner is duly named in the FIR. During the course of the investigation, it transpired that she is one of the main perpetrators of the offence in question. In fact, the occurrence has taken place in her daughter's house where petitioner is also a resident.

8. The relevant extract of the reply filed by way of an affidavit of Manavjit Singh, PPS, Deputy Superintendent of Police, Sub Division Malerkotla, District Malerkotla dated 21.05.2026 enumerating the specific role played by the petitioner is as under:-

15. ROLE OF PETITIONER

That the role of accused/present petitioner Hardeep Kaur (petitioner) wife of Jagpal Singh @ Pali, resident of Village

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Adampal, District Malerkotla, has surfaced prominently during the course investigation, as she was found to be an active participant and conspirator in the commission of the alleged offence. As per the statement of the complainant Karamjit Singh as well as the disclosure statement of co-accused Gurvinder Kaur, it has been revealed that Hardeep Kaur, in connivance with other co-accused persons, was instrumental in orchestrating the entire incident of blackmailing and extortion. That the place of occurrence i.e. the house where the whole incident took place belongs to the petitioner's daughter Manjot Kaur. The petitioner also resides in the same house. The petitioner was present at the house in Village Adampal where the complainant was allegedly taken by the co-accused women, administered intoxicant and his objectionable video was recorded. Thereafter, Hardeep Kaur actively participated in threatening the complainant and extracting money from him, and she also played a key role in negotiating and finalizing the alleged settlement amount of Rs. 50,000/- with the complainant through Chamkaur Singh. It has further come on record that Hardeep Kaur was part of the group which habitually targeted innocent persons in a similar manner and extorted money by putting them under fear of defamation by threatening to make their objectionable videos viral. Thus, the role of accused Hardeep Kaur is not only active but also central to the execution of the alleged crime, thereby attracting the relevant penal provisions invoked in the present FIR.

9. Keeping in view the fact that the offence stands *prima facie* established and the investigation is to be taken to its logical conclusion, the custodial interrogation of the petitioner is certainly required.



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10. In view of the above, I find no merit in the present petition and the same stands dismissed.
11. However, it is made clear that the observations made in this order are only for the purpose of deciding this bail application and the Trial Court is free to adjudicate upon the matter on the basis of the evidence led before it uninfluenced by any such observations made.
12. The pending application(s), if any, shall stand disposed of accordingly.

May 22, 2026
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No