



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

Sr.No.214

**CRM-M-21873-2026
Decided on : 01.05.2026**

Farheen

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. D.S.Matya, Advocate for the petitioner.

Mr. Mohit Chaudhary, AAG, Haryana for the respondent-State.

Mr. Shishir Mathur, Advocate for respondent No.2.

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.170 dated 10.09.2024, registered under Sections 420, 409, 465, 467, 468, 471, 120-B IPC, at Police Station Pinangwan, District Nuh.

2. The allegations against the petitioner are that he alongwith co-accused embezzled an amount of Rs.1,20,00,000/- of the complainant company. Hence the present FIR.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. He further contends that the petitioner was neither an employee nor in any manner connected with the affairs of respondent No.2-Company, therefore, she has no concern with the said offence and the allegations levelled against her are false. Learned counsel contends that the complainant has not levelled any allegation of inducement, cheating or forgery against the present petitioner and she has been implicated in this case only on the basis of monetary



transactions in her bank account, which were done by her husband and she had no knowledge about the same. No recovery is to be effected from the petitioner and her custodial interrogation is not required. Learned counsel also submits that the petitioner is ready and willing to join the investigation as and when called upon to do so by the Investigating Agency and shall fully cooperate with the investigation. On these grounds, it is prayed that the present petition be allowed.

4. On the other hand, learned State counsel has filed the status report which is taken on record. He, while referring to the said report, has vehemently opposed the prayer for grant of anticipatory bail by submitting that the allegations levelled against the petitioner are serious in nature. He contends that co-accused Mohd. Shan, who is the husband of the petitioner, had transferred an amount of Rs.7,25,000/- in the account of the petitioner. Further, said co-accused also purchased jewellery from the said defrauded amount and handed over the same to the petitioner. He further submits that the custodial interrogation of the petitioner is required to recover the amount of Rs.7,25,000/- and the abovementioned jewellery and also for obtaining the information about the modus operandi adopted by the co-accused. Hence, he prays that the present petition be dismissed.

5. Learned counsel for respondent No.2, while opposing the petition for anticipatory bail, has contended that the petitioner has played an active role in the crime and, thus, does not deserve any concession from this Court.

6. Having heard learned counsel for the parties at length and after perusing the record, it is evident that the allegations levelled against the petitioner are serious in nature. The husband of the petitioner has defrauded



the complainant Company for an amount of Rs.1,20,00,000/-. Out of the said amount, a substantial amount of Rs.7,25,000/- has been transferred into the bank account of the petitioner and further the co-accused had also bought jewellery from the said defrauded amount which is still with the petitioner. The allegations prima facie point towards her involvement in the crime and there is requirement of deeper probe. This Court is sanguine of the fact that while considering the petition for anticipatory bail, it is required to consider the overall nature of offence and accusation against the accused, the manner of occurrence, the gravity of offence and the potential impact of granting pre-arrest protection, at this stage. Granting anticipatory bail with such allegations, at this preliminary stage, would not be justified as it may affect the course of fair investigation and undermine and 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.

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 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."

8. 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”.

9. 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 hereby dismissed.

10. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

01.05.2026
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(RUPINDERJIT CHAHAL)
JUDGE

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