

**108+330****CRM-M-26540-2026 (O&M)****-1-****IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****CRM-M-26540-2026 (O&M)****Date of decision: 27.05.2026****SONIA****....Petitioner****Versus****STATE OF HARYANA AND ANR.****....Respondents****CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL****Present:- Mr. Yogesh Goel, Advocate for the petitioner.****Sh. Vishal Singh, AAG Haryana.****Mr. Gursimar Singh, Advocate for the complainant.****.....****RUPINDERJIT CHAHAL, J. (ORAL)****CRM-23403-2026**

Keeping in view the averments made in the application, the documents are taken on record as Annexures P-5 and P-6 subject to all just exceptions. Exemption is granted as prayed for.

Registry to tag the same at appropriate place.

Disposed of.

Main Case

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.0004 dated 07.01.2026 registered under Sections 318(4), 319, 336(2), 336(3), 338, 340, 61 BNS at Police Station Baldev Nagar, District Ambala.
2. Brief facts as per the prosecution case are that the petitioner in connivance with other co-accused persons got registered the sale deed on

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the basis of fake documents and cheated the complainant to the tune of Rs.3 crores. Hence, the present FIR.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and he has no connection with the alleged fraud. He argued that if the contents of the FIR are taken to be true, even then no specific role has been attributed to the present petitioner. He submits that there is no record to show the active involvement of the petitioner in the offence. He further submitted that the present dispute is civil in nature, which has been given criminal colour by lodging the present FIR. He further submitted that the entire case is based on documentary evidence which are already in possession of the complainant or the investigating agency, hence, nothing is to be recovered from the petitioner. He further submits that the petitioner is not the beneficiary of any amount involved in the present FIR. Moreover, the petitioner has clean antecedents as she is not involved in any other case. Learned counsel for the petitioner further submitted 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 her 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 05.05.2026.

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5. On the other hand, learned State counsel has already filed the status report in the matter and he while referring to the same, has 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 argued that the petitioner had in collusion with her husband and co-accused persons committed a financial fraud to the tune of Rs.3 crores by inducing the complainant to purchase the land by displaying a forged power of attorney and by executing sale deed on the basis of forged documents. He further submits that highly suspicious and material whatsapp chats have been recovered between the petitioner and other co-accused persons which further establishes her active role in the offence of multi-crore scam. He submits that the petitioner actively participated in the generation and utilization of forged and fabricated land title documents concerning prime land situated at Village Sadopur, Ambala, passed them off as genuine and subsequently facilitated the execution of a fraudulent sale deed in favour of the complainant and his son. He further submitted that the custodial interrogation of the petitioner is required to ascertain the modus operandi adopted by her. Hence, he prays for dismissal of the petition.

6. Learned counsel appearing on behalf of the complainant adopts the submissions made by learned State counsel and submits that the anticipatory bail of the petitioner be dismissed as the petitioner has actively participated in the offence and duped the complainant of his hard earned money.

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7. After hearing learned counsel for the parties and perusing the material available on record, this Court is not inclined to grant the concession of anticipatory bail to the petitioner. The allegations levelled in the FIR reveal a well-planned act of forgery and fraud to the tune of approximately Rs.3 crores. The material collected during investigation, including the whatsapp chats exchanged between the petitioner and the co-accused persons, prima facie indicates her active participation in the commission of the alleged offence. The allegations pertain to execution of sale deeds on the basis of forged documents and forged power of attorney, which require thorough investigation. Custodial interrogation of the petitioner appears necessary for unearthing the complete modus operandi trace the money trail and recover the cheated amount. 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.

(RUPINDERJIT CHAHAL)
JUDGE

27.05.2026
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No