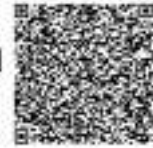


2026.PHHC.018441



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

206

CRM-M-51900-2025 (O&M)

Date of decision: 12.02.2026

Rohma Qamruddin**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Sahil Goel, Advocate
for the petitioner. (Through VC)

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Through the instant petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), the petitioner seeks anticipatory bail in case arising out of FIR No. 0050 dated 07.07.2024, registered under Sections 406, 420, 120-b, 465, 468 and 471 of IPC at Police Station Division No. 2, Ludhiana.

2. The aforementioned FIR was registered on the basis of a complaint jointly filed by complainant Sarwan Kumar and Suman Devi, owners of M/s Sunny Impox, alleging therein that one Qamruddin Jalaluddin and his wife Rohma Qamruddin (petitioner herein), by representing them that they were the owners of M/s G Multi Trading and Services, had induced them to purchase scrap metal items from the sugar mill located at Gobind Nagar, District Basti, U. P. An agreement for purchase of scrap metal was signed between the complainant and co-accused Qamruddin Jalaluddin on 05.10.2023. As per the terms of the same, the co-accused had to obtain NOC

2026.PHHC.018441



from the Govt. authorities and Municipal Corporation for removal of scrap plant and metal equipment for its sale to the complainant. He was induced by the co-accused and petitioner to part with an amount of Rs.80 Lakhs. However, the co-accused did not get NOC issued from the department concerned, so as to facilitate the execution of the said contract. When the complainant demanded his money back, co-accused issued two cheques, which were dishonoured. He still assured to pay the amount and kept putting of the matter on one pretext or the other, thereby causing wrongful loss to the complainant with intent to cheat him. It was alleged that the petitioner was also actively engaged with the co-accused in the act of committing subject offences. Therefore, the complainants/victims prayed for taking action in the matter. After registration of the FIR, investigation proceedings were initiated. Apprehending her arrest, the petitioner moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Ludhiana, which was dismissed, vide order dated 28.08.2024. The husband of the petitioner was arrested. Proceedings for declaring the petitioner as a proclaimed person were initiated and she was declared as such on 03.04.2025. She moved another application for grant of anticipatory bail, which too was dismissed by the Court of learned Additional Sessions Judge, Ludhiana, vide order dated 08.09.2025.

3. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case only due to being wife of co-accused Qamrudding Jalaluddin, who is proprietor of M/s G Multi Trading and Services. There is a monetary dispute between the firms of her husband and the complainants, which has been given a criminal colour. Her husband has

2026.PHHC.018441

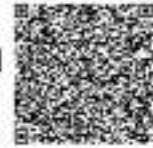


been extended benefit of regular bail. She is not indulged in the business activities in any manner whatsoever. She was not aware about the fact that the proceedings for declaring her a proclaimed person had been initiated. Her husband was in custody for a long time. She is ready to join the investigation. Her custodial interrogation is not required. No recovery is to be effected from her. Though, the petitioner has been declared as a proclaimed person but still keeping in view the facts and circumstances of the case, she may be granted concession of anticipatory bail in view of the ratio of law laid down by Hon'ble Supreme Court in *Daljit Singh v. State of Haryana, 2025 SCC OnLine SC 1*. With these broad submissions, it is urged that the petition deserves to be allowed.

4. *Per contra*, learned State counsel has argued that the petitioner is specifically named in the FIR and has been alleged to have actively participated with the co-accused in inducing the complainants and cheating them of a huge amount of Rs.80 lakhs. It is argued that the petitioner absconded during the course of investigation and was declared a proclaimed person, which clearly reflects her non-cooperation with the investigating agency. Keeping in view the serious nature of the offences involving forgery and cheating, her conduct in evading arrest and the requirement of custodial interrogation for effective investigation, the petitioner does not deserve the concession of anticipatory bail. Moreso, since she already stands declared a proclaimed person, hence, the petition is not maintainable and the same is liable to be dismissed.

5. This Court has heard the rival submissions.

2026.PHHC.018441



6. The foremost issue that arises for consideration before the Court is the maintainability of the present petition seeking anticipatory bail. A perusal of the zimni orders passed by the trial Court reveals that despite issuance of notices, the presence of the petitioner could not be secured, whereafter non-bailable warrants were issued. Upon recording satisfaction that the petitioner was absconding or concealing herself to evade execution of the warrants, the trial Court initiated proceedings under Section 82 of Cr.P.C. by ordering issuance of proclamation. It is a settled proposition of law that once proceedings under Section 82 of Cr.P.C. have been initiated, an application for anticipatory bail is not maintainable. Filing of a petition seeking pre-arrest bail cannot be treated as an appearance before the Court or as compliance with the process of law. In this regard, reliance is placed on the judgment of the Hon'ble Supreme Court in ***Srikant Upadhyay and others v. State of Bihar and another, AIR 2024 SC 1600***, wherein it was categorically held that an accused who approaches the Court for anticipatory bail after initiation of proclamation proceedings under Section 82 Cr.P.C. is not entitled to the discretionary relief of pre-arrest bail. Similar view was taken by the Hon'ble Supreme Court in ***Prem Shankar Prasad v. State of Bihar and another, (2022) 14 SCC 516***, where the plea for anticipatory bail was rejected on the ground that the accused was absconding and had sought pre-arrest bail after initiation of proceedings under Sections 82/83 Cr.P.C.

7. This Court also finds support from the judgment of a Coordinate Bench in ***Pawan Kumar v. State of Haryana, CRM-M-39172-2021, decided on 21.09.2021***, wherein it was observed that the scope of Section 438 Cr.P.C. (which corresponds to Section 482 of BNSS) cannot be enlarged to grant

2026.PHHC.018441



anticipatory bail to an accused whose apprehension of arrest arises on account of evading the process of law or jumping bail. Further reliance can be placed upon *Sumitha Pradeep v. Arun Kumar C.K. and another, 2022 (4) R.C.R. (Criminal) 977*, wherein it was held that absence of necessity of custodial interrogation by itself does not confer an indefeasible right upon an accused to claim anticipatory bail.

8. The reliance placed upon the judgment of the Hon’ble Supreme Court in *Daljit Singh*’s case (supra) is wholly misplaced and distinguishable on facts. In the said case, the accused had already been acquitted in the main proceedings and the Hon’ble Supreme Court was dealing with the effect of continuation of proceedings under Section 174A IPC after such acquittal. In the present case, neither has the petitioner been acquitted nor have the main proceedings come to an end. On the contrary, the investigation/trial is still pending and the petitioner’s presence is required by the Court. Therefore, the ratio laid down in *Daljit Singh*’s case (supra) does not advance the case of the petitioner. In view of the aforesaid discussion, this Court is of the considered opinion that the present petition is not maintainable. Hence, the same is dismissed.

9. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

12.02.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No