



CRM-M-57016-2025

-1-

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

**(1) CRM-M-57016-2025****Decided on: 13.01.2026**

Amandeep Sharma

..... Petitioner

Versus

State of Punjab

.....Respondent

**(2) CRM-M-62180-2025**

Nisha Sharma

..... Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr.Dhiraj Jindal, Advocate, for the petitioners.  
Mr. K.D.Sachdeva, DAG, Punjab.

**Rajesh Bhardwaj, J.**

1. This order will dispose of above-mentioned two petitions, as both have arisen out of a common FIR.

2. Prayer in the present petitions is for grant of anticipatory bail to the petitioners in a case FIR No.158 dated 20.08.2025, registered under Sections 318, 316(2), 61(2) of BNS, 2023 and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014, at Police Station City Sangrur, District Sangrur.

2. Succinctly, facts of the case are that the FIR in the present case was lodged on the statement of the complainant, namely, Sally Garg. It was alleged that the complainant has two sons, namely, Ansh Garg and Vansh Garg and for sending them aboard, she made an agreement with Amandeep



CRM-M-57016-2025

-2-

Sharma (petitioner in CRM-M-57016-2025). Amandeep Sharma demanded Rs.21 lacs for sending her sons abroad, out of which she deposited Rs.16 lacs in account of Amandeep Sharma and his wife Nisha Sharma (petitioner in CRM-M-62180-2025). It was alleged that the complainant has the stamps evidencing the receipt of money by the petitioners. However, neither the sons of the complainant were sent to abroad nor the money was returned to her. When the complainant asked for the return of her money, she was abused by the petitioners. Thus, request was made to take legal action against the accused persons. On the registration of the FIR, the investigation commenced. Apprehending arrest, the petitioners approached the Court of learned Additional Sessions Judge, Sangrur praying for grant of anticipatory bail, however, after hearing both the side, learned Court declined the same, vide order dated 19.09.2025. Hence, the petitioners are before this Court by way of filing the present petitions praying for grant of anticipatory bail.

3. Learned counsel for the petitioners has vehemently contended that the petitioners have been falsely implicated in the present case by the complainant. He has submitted that the nothing is to be recovered from the petitioners and thus, their custodial interrogation is not required. He further submits that the petitioners have not criminal antecedents, as they have never been involved in any other case. He has also submitted that co-accused of the petitioners i.e. mother of Amandeep Sharma, has been granted interim anticipatory bail by this Court vide order dated 26.09.2025.

He, thus, submits that in these circumstances, no *prima facie* case as alleged against the petitioners is made out and they deserve to be granted



anticipatory bail.

4. Status report by way of affidavit of Sukhdev Singh, PPS, Deputy Superintendent of Police, Sub Division Sangrur has already been filed. Learned counsel for the State has vehemently opposed the submissions made by counsel for the petitioners. He has submitted that there are specific allegations against both the petitioners as they in connivance with co-accused Manju Sharma, duped the complainant with Rs.15,99,658/- on the pretext of sending her sons abroad. He, thus, submits that the petitioners do not deserve the concession of anticipatory bail.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the FIR was registered on the statement of complainant Shally Garg. As per the status report filed, an amount of Rs.14,99,658/- has been deposited by the complainant in the accounts of the petitioners. Besides this, Rs.1 lac in cash, has also been paid by the complainant to the petitioners. The status report further shows that on 11.06.2025, both the petitioners arrived at a compromise with the complainant and it was decided that Amandeep Sharma, would return Rs.16 lacs to the sons of the complainant and in pursuance of the same, Amandeep Sharma gave two blank cheques to the complainant, however, on enquiry, no amount was found to be in the bank account of accused Amandeep Sharma and hence, the complainant did not present the said cheques before the Bank. Thus, it is apparent that neither the sons of the complainant were sent abroad, nor money was returned to her, rather they threatened the complainant. There is no dispute that co-accused has been granted interim



anticipatory bail by this Court, however, role of the petitioners is not at par with that of the co-accused. The investigation is at the initial stage and to conduct a free and fair investigation, custodial interrogation of the petitioners is required.

6. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) of BNSS which reads as under:-

**482“Direction for grant of bail to person apprehending arrest:**

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
  - (i) *a condition that the person shall make himself available for interrogation by a police officer as and when required;*
  - (ii) *a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
  - (iii) *a condition that the person shall not leave India without the previous permission of the Court;*
  - (iv) *such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”*

7. Hon'ble Supreme Court in **State represented by CBI Vs. Anil**



**Sharma**, (1997) 7 SCC 187 has held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconded with a favorable order under [Section 438](#) if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulted by a pre-arrest bail during the time he 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 task of disintering offences would not conduct themselves as offenders.”

8. Hon’ble Apex Court in plethora of judicial precedents including **Gurbaksh Singh Sibbia Vs. State of Punjab**, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

9.           Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioners has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioners at this stage would scuttle the ongoing investigation.
10.           In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioners do not qualify for exercising the extraordinary power by this Court in their favour. Resultantly, the petitions being devoid of any merit are hereby dismissed.
11.           Nothing said herein shall be construed as an expression of opinion on the merits of the case.

13.01.2026

sharmila

Whether Speaking/Reasoned

Whether Reportable

(RAJESH BHARDWAJ)

JUDGE

:

:

Yes/No

Yes/No