



CRM-M-60328-2025

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

Sr. No.105

CRM-M-60328-2025

Date of Decision: 09.03.2026

GEETA BHATIA

...Petitioner

Versus

STATE OF PUNJAB AND ANR.

...Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present:- Mr. Vinay Kumar Arya, Advocate
for the petitioner.

Mr. Sahil Chowdhary, AAG, Punjab.

Ms. Kamaljit Kaur, complainant, in-person.

MANDEEP PANNU, J. (Oral)

1. This is the first petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (earlier Section 438 Cr.P.C.) praying for the grant of pre-arrest/anticipatory bail to the petitioner in FIR No. 10 dated 22.06.2024 registered under Sections 406, 420 IPC and Section 24 of the Immigration Act, 1983 at Police Station NRI, District Jalandhar, Punjab. It has been submitted that the matter has since been amicably resolved between the parties and a compromise dated 09.10.2024 has been effected between the petitioner and the complainant, and on the basis of the said compromise the petitioner seeks the concession of anticipatory bail.

2. Learned counsel for the petitioner contends that the petitioner is a 62-year-old widow and a senior citizen who has been falsely implicated in the present case. It is submitted that the gravamen of the allegations in the FIR pertains to the petitioner's daughter, Ms. Aruna Bhatia, who resides in



Canada and is alleged to have taken money from the complainant on the pretext of arranging Canadian Permanent Residency for the complainant's relatives. It is argued that the petitioner is merely a homemaker and has been roped into the present case only on the vague allegation that certain amounts were transferred to her bank account at the behest of her daughter, though she had no direct dealings or privity of contract with the complainant and had no fraudulent intent whatsoever. Learned counsel further submits that the matter has now been amicably settled between the parties and a compromise deed dated 09.10.2024 has been executed between the complainant and the petitioner, pursuant to which an amount of ₹5,50,000/- has been paid to the complainant towards full and final settlement of all claims. It is further submitted that the complainant herself appeared before the learned Additional Sessions Judge in the bail proceedings of the co-accused and made a sworn statement acknowledging the compromise and stating that she has no objection if bail is granted to the petitioner. It is argued that the learned Sessions Judge, while dismissing the petitioner's application for anticipatory bail, failed to appreciate the true effect of the compromise and rejected the application on the hyper-technical ground that the petitioner had not personally signed the compromise deed, despite the fact that her absence from India at that time was explained and later ratified by the complainant in her statement before the Court.

3. Learned counsel further submits that the investigation in the case is primarily documentary in nature and the relevant records have already been seized, and therefore no custodial interrogation of the petitioner is required. It is also argued that the co-accused Rashi Bhatia has already



been granted anticipatory bail by the learned Sessions Court, and therefore the petitioner is entitled to the same relief on the principle of parity. Learned counsel further submits that the petitioner has voluntarily returned to India from Canada to face the legal proceedings, thereby demonstrating her bona fides, and she is neither a flight risk nor likely to influence the witnesses. It is lastly submitted that the petitioner is ready to join the investigation and undertake to abide by all the terms and conditions that may be imposed by this Court.

4. Learned State counsel has opposed the present petition and submits that the allegations against the petitioner are serious in nature. It is contended that the petitioner, in connivance with other co-accused, committed cheating and fraud with the complainant on the pretext of sending her son and daughter-in-law to Canada and received a substantial amount from the complainant. It is argued that the petitioner had received the cheated amount in her bank account and despite receiving the money, neither fulfilled the promise nor returned the amount to the complainant. Learned State counsel further submits that the petitioner has misappropriated the amount and the custodial interrogation of the petitioner is required in order to facilitate proper investigation and recovery of the cheated amount. It is also argued that the compromise relied upon by the petitioner does not bind the complainant insofar as the petitioner is concerned, as the said compromise was effected only between the complainant and co-accused Rashi Bhatia and not with the present petitioner. It is further submitted that the compromise deed does not bear the signatures of the petitioner Geeta Bhatia and, therefore, the petitioner cannot derive any benefit from the said



compromise. It is also pointed out that today the complainant Kamaljeet Kaur is present in person before this Court and on being asked, she has categorically stated that no compromise has been effected between her and the present petitioner and that the compromise has only been effected with co-accused Rashi Bhatia. She has further stated that the petitioner has not returned the amount received from her and she has opposed the grant of anticipatory bail to the petitioner. Learned State counsel thus submits that keeping in view the gravity of the allegations and the role attributed to the petitioner, she does not deserve the concession of anticipatory bail.

5. After hearing learned counsel for the parties and perusing the record, this Court is of the considered view that no case for grant of anticipatory bail is made out. The FIR has been registered on the allegations that the petitioner, in connivance with other co-accused, cheated the complainant on the pretext of sending her son and daughter-in-law to Canada and received a substantial amount from the complainant. The material on record *prima facie* indicates that the petitioner had received the cheated amount in her bank account and the same has not been returned to the complainant. The role attributed to the petitioner is specific and direct, particularly with regard to receiving and retaining the money obtained from the complainant. The plea of compromise raised by the petitioner also does not come to her aid. Today the complainant is present in person before this Court and has categorically stated that no compromise has been effected between her and the petitioner and that the settlement was only with co-accused Rashi Bhatia. She has further stated that the petitioner has not returned the amount taken from her and she opposes the present bail



application. In these circumstances, the petitioner cannot take advantage of the compromise effected with another co-accused.

6. Considering the gravity of the allegations, the specific role attributed to the petitioner in receiving the cheated amount and the fact that the complainant has opposed the grant of anticipatory bail, this Court finds no ground to extend the extraordinary relief of anticipatory bail to the petitioner. Consequently, the present petition is dismissed.

7. However, nothing observed herein shall be construed as an expression of opinion on the merits of the case.

8. All pending applications, if any, also stand disposed of.

09.03.2026
Anu

(MANDEEP PANNU)
JUDGE

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